

ONE HUNDRED AND FIFTH DAY

Thursday, 11 April 1946

Morning Session

DR. SAUTER: Dr. Sauter for the Defendant Funk.

Mr. President, on Saturday last, when sickness prevented me from attending the session, the question came up in which sequence the defense for the Defendants Dr. Funk and Dr. Schacht should be conducted, and the President has expressed the wish to hear my statement on the subject as soon as possible. I have discussed the matter with my client and the defense counsel for Dr. Schacht and I agree to and suggest that the defense for the Defendant Dr. Schacht come first and that the case of the Defendant Funk, for reasons of suitability, should follow after the evidence for the Defendant Schacht has been completed. For the information of the Tribunal I wanted to inform you of that, Mr. President. Thank you.

THE PRESIDENT: Yes, certainly.

MR. DODD: If Your Honors please, I should like to call the attention of the Tribunal to the fact with respect to the documents for the Defendant Rosenberg, we have finished our conversations with Dr. Thoma on a number of matters which will require a hearing before the Tribunal. We were not able to agree on a number of them and, as I said yesterday, we are prepared to be heard on the applications of Dr. Schacht.

THE PRESIDENT: Very well, we will arrange a time for that. Now, Dr. Kauffmann.

DR. KAUFFMANN: Mr. President, I am now beginning the defense by presenting evidence in the case of the Defendant Kaltenbrunner. I need not emphasize how extraordinarily difficult this defense is, considering the unusual severity of the charges brought against him. I intend to present the evidence in the following way: With the permission of the Tribunal, I shall read two small documents first from the short document book; then, with the permission of the Tribunal, I shall call the defendant to the witness stand and after that I shall examine one or two witnesses.

THE PRESIDENT: The Tribunal thinks that that course would be appropriate but I wanted to draw your attention...

Dr. Kauffmann, there were four witnesses who were called for the Prosecution, Ohlendorf, Hollriegel, and Wisliceny—you asked

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for leave at an earlier stage to cross-examine witnesses called for the Prosecution, Ohlendorf, Hollriegel, Wisliceny, and Schellenberg; and the Tribunal then ordered that they might be recalled for crossexamination but that they must be called before your witnesses. Therefore, the Tribunal wants to know whether you wish to call any of those for crossexamination. You do not?

DR. KAUFFMANN: No, Mr. President, I do not wish to call Ohlendorf, Wisliceny, Hollriegel, or Schellenberg.

THE PRESIDENT: Very well.

DR. KAUFFMANN: May I now read these two documents? To begin with there is the affidavit of the witness Dr. Mildner in the document book. I am asking that notice be taken of it. It is Document Kaltenbrunner-1. I am now reading:

"Affidavit. I, the undersigned, Dr. Mildner, at present in prison in Nuremberg, make the following affidavit in answer to the questions put to me by attorney Dr. Kauffmann for presentation to the International Military Tribunal in Nuremberg:

"Question Number 1: Give particulars of your career.

"Answer: I was entrusted with certain tasks of the Gestapo for about 10 years. From 1938 to 1945 I was subordinate to Amt IV, which is the Gestapo of the Reich Main Security Office in Berlin. I was in the RSHA in Berlin itself, for only about three months, that is to say, from March to June 1944. The rest of the time I was mostly chief of provincial branches of the Gestapo.

"Question Number 2: What can you say in regard to Kaltenbrunner's personality?

"Answer: From my own knowledge I can confirm the following: I know the Defendant Kaltenbrunner personally. In his private life he was beyond reproach. In my opinion his promotion from Higher SS and Police Leader to Chief of the Security Police and the SD was due to the fact that Himmler, in June 1942, after the death of Heydrich, his chief rival, would suffer no man beside or under him who might have endangered his position. The Defendant Kaltenbrunner was, no doubt, the least dangerous man for Himmler. Kaltenbrunner had no ambition to gain influence by special deeds and eventually to push Himmler aside. There was no question

of lust for power in his case. It is wrong to call him the little Himmler.

"Question Number 3: What attitude did Kaltenbrunner adopt toward Amt IV (Gestapo)?

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"Answer: I know of no specific limitation of the Defendant Kaltenbrunner's power with regard to the offices which were under the RSHA. On the other hand, I can say that Muller, the Chief of Amt IV, acted independently by virtue of his long experience and did not give to anyone, not even the chiefs of the other offices of the RSHA, any insight into his tasks and methods of his Amt IV. He had, after all, immediate protection from Himmler.

"Question Number 4: Did you ever see any executive orders by Kaltenbrunner?

"Answer: I have never seen any original order—that is to say, something signed in handwriting—from the Defendant Kaltenbrunner. I know quite well that orders for protective custody bore facsimile signatures or typewritten signatures. This was a routine initiated during Heydrich's time.

"Question Number 5: Did orders for executions rest in Kaltenbrunner's or Himmler's hands? Who was responsible for the setting up and running of concentration camps?

"Answer: I know that execution orders rested in Himmler's hands. So far as I know no other officials of the RSHA could issue such orders without his permission. I know, furthermore, that concentration camps were run by a special main department, namely, the SS Main Office for Economy and Administration, the chief of which was Pohl. The concentration camps had nothing to do with the RSHA. This applies to the whole administration, food, treatment, camp regulations, et cetera. The inspector of concentration camps was Glucks. The official channels were therefore: Himmler, Pohl, Glucks, camp commandant.

"Question Number 6: Did Kaltenbrunner order any of the concentration camps to be evacuated? ,

"Answer: It is not known to me that the Defendant Kaltenbrunner had issued any orders regarding the evacuation of concentration camps.

"Question Number 7: Did Kaltenbrunner issue the order to arrest all Danish citizens of Jewish religion and transport them to the concentration camp at Theresienstadt?

"Answer: No. The reason why I can answer this question exactly is because I, myself, as a member of the Gestapo, was concerned with this matter in Denmark in September 1943. The Chief of the Security Police and the SD had received the order in September 1943 to arrest all Danish Jews and transport them to Theresienstadt. I flew to Berlin to have this order canceled. Shortly afterwards an order of Himmler

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arrived in Denmark according to which the anti-Jewish action was to be carried out. Kaltenbrunner, therefore, did not issue the order. I did not speak to him; in fact he was not even in Berlin.

"Read and found correct.

"Nuremberg, 29 March 1946; signed, Dr. Mildner."

Then follows the certification.

The next affidavit comes from Dr. Hottl

MR. DODD: We are faced with a new problem. I do not think this question has arisen heretofore. The Prosecution submitted a cross-interrogatory to this man Dr. Mildner, and we are not quite certain as to just how we should proceed. Should we now offer our cross-interrogation, or at a later stage?

THE PRESIDENT: We think you should read it now.

MR. DODD: Very well.

DR. KAUFFMANN: Mr. President, may I just say one thing about that. This is the first time that I hear that the Prosecution have also put questions which have been answered by the same witness. I think this is the first case of this kind which has been put before the Tribunal.

Would it not have been appropriate to have these answers communicated to me, since I have put my affidavit at the disposal of the Prosecution a very long time ago?

THE PRESIDENT: They certainly should be. The Tribunal thinks they certainly should have been communicated to you at the same time that they were received.

DR. KAUFFMANN: Is the answer to be read nevertheless? I would rather like to raise formal objection to that and ask the Tribunal for a decision.

THE PRESIDENT: Mr. Dodd, why were these not submitted to Dr. Kauffmann?

MR. DODD: This cross-affidavit and interrogatory was taken only yesterday, and the material just was not ready until this morning. We regret that, and had it been ready it would, of course, have been turned over to him. If he would like to have some time to look it over, we, of course, would not object.

THE PRESIDENT: Dr. Kauffmann, in the circumstances we will postpone the reading of these cross-interrogatories in order that you may consider them, and, if you think it right, you may object to any of the questions or answers and we will then consider that matter.

DR. KAUFFMANN: Thank you.

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May I now read the second and last document:

"Affidavit. I, the undersigned, Dr. Wilhelm Hottl, make the following affidavit in answer to the questions put to me by attorney Dr. Kauffmann for presentation to the International Military Tribunal."

THE PRESIDENT: Can you give a number to this document? DR. KAUFFMANN: Yes, Document Kaltenbrunner-2.

"Question Number 1: Give details about yourself. What was your official position in the SD? Where did you know Dr. Kaltenbrunner?

"Answer: I was born on 19 March 1915, in Vienna; by profession, a historian. My occupation up to the time of the German collapse was that of a sub department chief in Amt VI, Foreign Intelligence Department, of the RSHA. After Austria's Anschluss in 1938, I voluntarily joined the SD. Coming from the National Catholic Youth Movement, I made it my aim to achieve a moderate political course for my country.

"I made the acquaintance of Kaltenbrunner in 1938; he knew that the above was my aim.

"In 1941, on personal orders of Heydrich, I was called before the SS and Police Court for having religious ties and for lack of political and ideological reliability, and I had to join the ranks as an ordinary

private. After Heydrich's death I was pardoned and, at the beginning of 1943, I was detailed to the office of Schellenberg' Chief of Amt VI of the RSHA. Here I was in charge of matters relating to the Vatican, as well as of matters relating to some states in the Balkans.

"When Kaltenbrunner was appointed Chief of the RSHA at the beginning of 1943, I was continually in touch with him at work, particularly since he was endeavoring to draw the group of Austrians in the RSHA nearer to him.

"Question Number 2: Give an estimate of the numbers involved at the Main Office of the RSHA in Berlin.

"Answer: The Main Office in Berlin, Amt n (Gestapo) had approximately 1,500 members; Amt V (Criminal Police) 1,200; Amt III and Amt VI (intelligence service at home and abroad) 300 to 400 each.

"Question Number 3: What is understood by SD and what were its tasks?

"Answer: Heydrich organized the so-called Sicherheitsdienst (known as the SD) in 1932. Its task was to give to the highest German authorities and the individual Reich ministries, information on all events at home and abroad.

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"The SD was purely an information service and had no sort of executive authority. Only individual persons Belonging to the SD were drafted to the so-called special action commands (Einsatzkommandos) in the East. They thereby assumed executive positions, and they resigned from the SD during that period. There were special action groups and special action commands of the Security Police and the SD up to the last; also in Africa, and in Hungary, and Czechoslovakia even up to 1944. These Kommandos had. nothing to do with executions. Their tasks had in the meantime assumed the nature of general security police matters. As far as I know, executions were carried out only 'in Russia, due to the so-called 'Commissar Order' by Hitler. Whether these Kommandos stopped or continued their activity after Kaltenbrunner was named Chief of the RSHA, I do not know.

"Question Number 4: Do you know about the 'Eichmann Operation' to exterminate the Jews?

"Answer: I learned details of the Eichmann Operation only at the end of August 1944. At that time Eichmann himself gave me detailed information. Eichmann explained, among other things, that the Vole action was a special Reich secret and was known to only very few people. The total number of members of this Kommando, in my opinion, could hardly have exceeded 100.

"Question Number 5: What do you know about the relations between Eichmann and Kaltenbrunner?

"Answer: I know nothing about the official relations between the two. However, Eichmann may well have had no direct official contact with Kaltenbrunner. He often asked me to arrange a meeting with Kaltenbrunner for him. Kaltenbrunner always refused.

"Question Number 6: What was the relationship between Kaltenbrunner and Muller, the Chief of the Secret State Police (Gestapo)?

"Answer: I cannot give any details about their official relations. It is certain, however, that Muller acted quite independently. He had gained great experience in Secret State Police matters over a period of many years. Himmler thought a great deal of him. Kaltenbrunner did not think very much of him. Kaltenbrunner had neither technical schooling in police problems nor any interest in them. The intelligence service took up the main part of his attention and all his interest, especially insofar as it concerned foreign countries.

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"Question Number 7: Who was in charge of the concentration camps?

"Answer: The SS Main Office for Economy and Administration had sole charge of the concentration camps; that is, not the RSHA, and therefore not Kaltenbrunner. He, consequently, had no power to give orders and no competency in this sphere. According to my opinion of him as a man, Kaltenbrunner certainly did not approve of the atrocities committed in the concentration camps. I do not know whether he knew about them.

"Question Number 8: Did Kaltenbrunner issue or transmit an order according to which enemy aviators who made forced landings were to be given no protection in the event of lynch justice being carried out by the population?

"Answer: No, I never heard about anything of the kind from Kaltenbrunner, although I was with him a great deal. As far as I can remember, however, Himmler issued an order of this kind.

"Question Number 9: Did Kaltenbrunner issue orders that Jews were to be killed?

"Answer: No, he never issued such orders, and in my opinion, he could not issue such orders on his own authority. In my opinion he was opposed to Hitler and Himmler on this question, that is, the physical extermination of European Jewry.

"Question Number 10: What church policy did Kaltenbrunner pursue?

"Answer: As adviser on Vatican matters, I often had the opportunity of speaking to him officially on this subject. He immediately supported my suggestion, made to Hitler in the spring of 1943, that a change in church policy should be effected so that the Vatican could be won over as a peace negotiator on this basis. Kaltenbrunner

had no success with Hitler, as Himmler opposed him violently. Baron Von Weizsacker, German Ambassador to the Holy See with whom I discussed the matter, failed likewise in his efforts, the result of which was that Bormann had an eye kept on him.

"Question Number 11: Did Kaltenbrunner intervene in foreign policy in the interest of peace?

"Answer: Yes; in the Hungarian question, for example. When, in March 1944, the German troops occupied Hungary, he succeeded in persuading Hitler to be moderate and to prevent Romanian and Slovak units from marching in as planned

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Due to his support, I was able to prevent a National Socialist government from being formed in Hungary as planned, for another 6 months."

[A recess was taken]

THE PRESIDENT: Now, Dr. Kauffmann, are you going to call the defendant?

DR. KAUFFMANN: Mr. President, I have committed a small oversight. I did not read Page 5 of my document book. Those are Questions 12 and 13 of the affidavit, which I, inadvertently, did not read. I wish to apologize and ask your permission to finish it.

THE PRESIDENT: Yes.

DR. KAUFFMANN: I continue on Page 5:

"Kaltenbrunner wanted the old Austria-Hungary to be reestablished on a federative basis. Since 1943 I had told Kaltenbrunner that Germany must endeavor to end the war by a peace at any price. I had informed him about my connection with an American office in Lisbon. I also informed Kaltenbrunner that I had recently made a contact with an American office in a neutral country through the Austrian resistance movement. He also declared his willingness to travel to Switzerland with me and start personal negotiations with an American representative in order to avoid further senseless bloodshed.

"Question Number 12: Do you know that Kaltenbrunner instructed the Commandant of Mauthausen Concentration Camp to hand over the camp to the approaching troops?

"Answer: It is correct that Kaltenbrunner did give such an order. He dictated it in my presence, to be forwarded to the Camp Commandant.

"Question Number 13: Can you say something briefly about Kaltenbrunner's personality?

"Answer: Kaltenbrunner was a man completely different from Himmler or Heydrich. He was therefore by conviction strongly opposed to both of them. He was appointed Chief of the RSHA, in my opinion, because Himmler did not want to run the risk of having a rival like Heydrich. It would be wrong to call him 'little Himmler.' In my opinion, he was never in complete control of the large office of the RSHA and, being very little interested in police and executive tasks, he occupied himself preponderantly with the intelligence service and with exerting influence on general policy. This he regarded as his particular sphere."

This is followed by signature, date, and certification.

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THE PRESIDENT: Have you any more documents?

DR. KAUFFMANN: No.

THE PRESIDENT: Now you wish to call the defendant?

DR. KAUFFMANN: Yes.

[The Defendant Kaltenbrunner took the stand]

THE PRESIDENT: Will you state your full name, please?

ERNST KALTENBRUNNER (Defendant): Ernst Kaltenbrunner.

THE PRESIDENT: Repeat this oath after me: "I swear by God- the Almighty and Omniscient-that I will speak the pure truth and will withhold and add nothing-so help me God."

[The defendant repeated the oath In German.]

THE PRESIDENT: You may sit down.

DR. KAUFFMANN: During the last 2 years of the war, since 1943, you have been the Chief of the Security Police and Security Service and the Chief of the Reich Security Main Office, the RSHA. You are aware, of course, that you are under extremely serious charges. The Prosecution charge you with having committed Crimes against Peace, and with having intellectually aided and abetted or participated in the crimes against the law of war and against humanity, and finally, the Prosecution connect your name with the Gestapo terror and the atrocities of the concentration camps. I now ask you, do you assume responsibility for the Counts charged as outlined and which are known to you?

KALTENBRUNNER: In the first place, I should like to state to the Tribunal that I am fully aware of the serious character of the charges against me. I know the hatred of the world is directed against me; that I particularly since Himmler, Muller, and Pohl are no longer alive must here, alone, give an account to the world and the Tribunal. I realize that I shall have to tell the truth in this courtroom, in order to enable the Court and the world to fully recognize and understand what has been going on in Germany during this war and to judge it with fairness.

In 1943-that is to say, 2 years before the ending of this war- I was called into an office, which fact I shall explain in detail later on.

Right at the beginning, I would like to state that I assume responsibility for every wrong that was committed within the scope of this office since I was appointed Chief of the RSHA and as far as it happened under my actual control, which means that I knew about it or was required to know about it.

May I ask permission for my defense counsel to put questions to me so as to direct my line of thought?

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DR. KAUFFMANN: Will you briefly describe, in rough outlines, your career until you entered public life, and Austrian politics, that is until about 1934.

KALTENBRUNNER: I was born in 1903. My father and my grandfather were lawyers of repute; for the rest I am a descendant of farmers and scythemakers. My mother is of modest descent. She was adopted by the Belgian Ambassador to Romania and lived there for 25 years. During my childhood, which I spent in the country with a family which took very good care of me, I enjoyed on the one hand the best education and on the other hand I became familiar with the life of the simple people. I attended secondary school, high school, graduated, and in 1921 went to Graz University. First I studied chemico-technical sciences at the Institute of Technology and later on, when my father returned from the war seriously ill and when the possibility arose that I might have to take over his solicitor's practice, I studied law. I completed these studies with the degree of Doctor of Law and Political Science in 1926.

I had a hard time. I had to earn my own living and the expenses for my studies. I had to work while I studied and for 2 years I worked as a coal miner during the night shift; and I have to thank my fate that thus I got to know the German workman much better than people usually do.

DR. KAUFFMANN: Would you be slightly more brief? Please get as quickly as possible to the period after 1934.

KALTENBRUNNER: After leaving the University I had to complete 7 or 8 years work as a candidate for the bar examination in accordance with the Austrian law, of which I spent one year in court as assistant and the rest of the time in lawyers' offices in Sandburg and Linz.

DR. KAUFFMANN: I am interrupting you for one moment with a question. Is it correct that in 1932 you became a member of the Party?

KALTENBRUNNER: I Became a member of the Party in 1932 after I had belonged for several years to the Non-Partisan Movement for the Protection of the Austrian Homeland.

DR. KAUFFMANN: Did you join the SS in that same year?

KALTENBRUNNER: I think it was at the end of 1932 or maybe at the beginning of 1933.

DR. KAUFFMANN: Is it correct that even before 1933, as maintained by the Prosecution, you were public speaker of a Gau and legal adviser of an SS sector?

KALTENBRUNNER: That statement requires clarification. It is true that I made speeches in my own home province, the Gau Upper

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Austria, at National Socialist but primarily—or rather exclusively—to promote the Anschluss movement. I was a legal adviser just as any other lawyer of any party who, at that period of economic emergency, was willing to give legal information and advice free of charge for some hours at the end of the day to the needy, who in this case were National Socialists.

DR. KAUFFMANN: Is it true that later, in 1934, the Dollfuss Government had you arrested and that you, together with other leading National Socialists, were sent to the Kaisersteinbruch Concentration Camp? What was the cause for that?

KALTENBRUNNER: That is correct. I think that with regard to this point I must briefly describe the political situation in Austria at the time.

The Government was in the hands of a group of men who had very few followers among the people. There were two large groups of size which did not participate in the Government; the first being the leftist group, that is, the Social Democrats and Austro-Marxists, and the second being the National Socialists, which was at that time a very small group. The Government, then, did put not only the National Socialists but also Social Democrats and Communists into their detention camps in order to eliminate any political strife originating from meetings or demonstrations. I was one of those National Socialists who were arrested at that time, whose number was approximately 1,800.

DR. KAUFFMANN: Did you have another conflict with them? And were you eventually subjected to a trial for conspiracy against the Government and thereupon discharged from the custody under which you had been placed? Give in a few sentences the reasons for this procedure.

KALTENBRUNNER: This was considerably later. I was arrested in May 1935. I should say first of all that in the meantime the National Socialist attempt at revolt had taken place in Austria in July 1934. This attempt at revolt, which unfortunately also included the murder of Dollfuss, was defeated and avenged by most severe measures against a large number of National Socialists. One particularly severe measure was the law by which many thousands of National Socialists lost their jobs or professional license and the necessity arose to bring about a pacification, I should say a mitigation in principles of the Government policy. That was primarily done by two men: Langot, then the Chief Deputy of Upper Austria, and Reinthaller, a farmer and engineer. That appeasement action started at the end of 1934 in September or October, and I was invited to join that action.

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DR. KAUFFMANN: Will you please, if possible, get to the period of 1938, in rough outlines?

KALTENBRUNNER: I was in no way implicated in this attempted revolt of July 1934 and that is why I was invited to join in that appeasement action. Within that program the Government themselves demanded that certain men should maintain connections with the Party leaders, with the SA, SS, and all organizations of the then forbidden movement. With the knowledge and consent of the Government and the proper police departments, I took up the connection with the SS.

In May 1935 I was arrested, suspected of establishing an illegal connection with the SS and of being engaged in high treason activity. I remained in custody for 6 months and was arraigned before the military tribunal in Wels on a charge of high treason. I was, however, acquitted of this crime since the Government themselves admitted that this assignment had been granted to me with their knowledge. All that was left over was a minor sentence for conspiracy which, however, was served by my custody.

DR. KAUFFMANN: How did you participate in the Austrian revolution which occurred in March 1938 and how did the SS participate?

KALTENBRUNNER: Shortly after my activities in connection with the Reinthaller-Langot appeasement action, I got in touch first with circles of the Anschluss movement clubs and second with those circles whose aim it was to improve conditions in Austria peacefully, by an evolutionary movement and development, and, on the other hand, to enlarge the Anschluss movement so as to win over the government themselves to that idea.

In 1937 and 1938 I attempted to come into closer personal contact with Seyss-Inquart, later Minister, and I completely adopted his political conceptions.

DR. KAUFFMANN: Are you of the opinion that the plebiscite in Austria in April 1938 corresponded with the wish of the nation?

KALTENBRUNNER: The plebiscite of 10 April 1938 was completely in accordance with the will of the Austrian population. The result of 99.73 percent for Anschluss to the German Reich was perfectly genuine.

DR. KAUFFMANN: In the occasion of the Anschluss is it right that you were promoted to SS Brigadefuehrer and leader of an SS sector?

KALTENBRUNNER: Yes, but first I would like to add the following to the question of the Anschluss:

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The representation and opinion of the Prosecution are completely incorrect when they think that National Socialism in Austria at that time could in any way be compared with the development which had already taken place in Germany. The development of Austrian National Socialism was on the contrary completely different. The starting point was the abnormal economic depression in Austria and beyond that the Anschluss movement, and finally National Socialism made the Anschluss come true. This course, from economic depression via Anschluss movement to National Socialism, was the road of nearly all National Socialists, and the ideology of the Party program of the time was in no way responsible.

I believe this has to be taken for granted and I believe I also ought to say it first, that the Anschluss movement in Austria was backed by the people; the fact that the plebiscite in the various provinces, like the Tyrol or Salzburg, had already in previous years –I believe from 1925 to 1928–shown a result of more than 90 percent of the votes in favor of the Anschluss should now be taken into consideration.

Back in 1928 the National Council of Austria and the Austrian Federal Council signed the decree of the National Council of the year 1918 which said that both these assemblies had resolved to join the Reich; and they did not swerve from that resolution.

THE PRESIDENT: Dr. Kauffmann, I do not think you need go into these subjects as to reasons why they were in favor of the Anschluss in such detail. Will you try to confine the witness to less detail and get on to the material period?

DR. KAUFFMANN: I thought that the defendant was being held responsible for his participation in the change of regime. Therefore I wanted to have at least a few sentences said about that before this Tribunal, but I am now prepared to change the subject.

THE PRESIDENT: The witness was giving us the figures in particular plebiscites long before the Anschluss, and that seems to be quite irrelevant detail.

DR. KAUFFMANN: Then, in September 1938, you were promoted to SS Gruppenfuehrer; is that correct?

KALTENBRUNNER: Yes. After the ensuing Anschluss I had to take over the leadership of the General SS in Austria, namely, the SS Main Sector Danube. At that time I had been promoted to brigade leader without going exactly through the preceding ranks of SS leaders. And I think it was in September that I was appointed Gruppenfuehrer, so that my rank was made the same as that of all the other main SS sector leaders in the entire Reich.

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DR. KAUFFMANN: May I question you regarding your further career in the SS? Were you in 1941 appointed Higher SS and Police Leader in Austria?

KALTENBRUNNER: In March 1938 I became a member of the Austrian Government; that is, I had to take over the position of State Secretary for Security in Austria, which was under the Ministry of the Interior. That Austrian Government was dissolved in 1941; that is to say, their activity was discontinued in favor of such bodies of administration which prevailed in the Reich; consequently, the Office of State Secretary for Security was also dissolved, and in order to retain me at the same level in the budget, I was appointed Higher SS and Police Leader, I think in July 1941.

DR. KAUFFMANN: And on 30 January 1943 you were appointed Chief of the Security Police and the SD, that is, of the so-called Reich Security Main Office. How did that appointment come about? Did you have connections with Himmler? What was said between you and Himmler on the occasion of your appointment?

KALTENBRUNNER: I must describe briefly my activities from 1941 to 1943, that is, 2 years, so as to make it clear why I was called to Berlin.

The Prosecution charge that I had led the Security Police already in Austria. In that respect the Prosecution are mistaken.

The State Police and the Criminal Police as well as the Security Service in Austria were directed centrally from Berlin and were completely removed from the power of Seyss-Inquart, then the

responsible Minister, and his deputy, Kaltenbrunner. My activity as Higher SS and Police Leader in Austria—unlike the activity of the same men in the Reich—was therefore limited merely to the task of representing or leading the General SS, which in no way took up all my time.

During these 2 years I therefore followed out my intentions concerning political activity and developed a rather large political intelligence service radiating from Austria toward the southeast. I did that because, in the first place, I regretted that the Reich did not make use of at least the political and the economic resources, of all the resources which Austria could have put at the disposal of the Reich, and because the Reich with unequalled shortsightedness did not fall back upon Austria's most significant mission as an intermediary with the Southeast. Thus, my reports met with increased interest in Berlin, and since Himmler was continuously reproached by Hitler that his intelligence service, which was run by Heydrich in the Reich, did not furnish adequate reports on political results, Himmler, 8 months after Heydrich's death, felt obliged to look for a man who could free him from Hitler's reproaches that he had no intelligence service worth mentioning.

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DR. KAUFFMANN: And what did you discuss with Himmler?

KALTENBRUNNER: In December 1942 he ordered me to come to Berchtesgaden, where he resided at the time, because the Fuehrer's headquarters were in the neighborhood, on the Obersalzberg. He told me first of Hitler's reproaches and demanded that I create a central intelligence service in the Reich. We had a lengthy discussion on this subject with reference to my reporting activity of the previous years. He was then of the opinion that the best solution would be if I were to take over the Reich Security Main Office as a transition basis for the creation of such an intelligence service. I refused to do that, giving detailed reasons, namely, that I had maintained a watching and critical attitude in Austria toward the over all development in the Reich, especially the inner political development. I explained to Himmler in detail why the Germans in Austria were disappointed and where I saw dangers that the same Austrians, who 4 years ago had turned with enthusiasm to the Reich, would become tired of the Reich. I have...

DR. KAUFFMANN: May I interrupt you for just one moment. It is correct, of course, that you were made the Chief of the Reich Security Main Office. Are you trying to say that you did not take over the executive powers?

KALTENBRUNNER: I am coming to that immediately. But, I must now describe that first conference with Himmler; the second one took place 2 weeks later. On that occasion I was given the order; I am referring to the first order.

But I should like to state right now—and this is drawn like a red thread through my entire career to the last days of the war—that even then I explained to Himmler on which essential points I differed with National Socialism as to the home policy of the Reich, the foreign policy, the ideology, and the violations of law by the Government themselves. I declared to him, specifically, that the administration in the Reich was too centralized; that Austria was violently criticizing that centralized system,

particularly since a federative status had been granted to other countries, such as Bavaria. I told him that the creation of a new German criminal law, the way it was attempted, was wrong, and that German criminal law was casuistic. The Austrian criminal law, based on a tradition of more than one hundred years, had proved to be the best and had also been recognized abroad. I explained to him that the concepts of protective custody and of concentration camps were not approved of in Austria, but that every man in Austria wanted to be tried before a court of law.

I explained to him that anti-Semitism in Austria had developed in a completely different way and also required a different handling.

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No one in Austria, I said, had ever thought of going beyond the limits of anti-Semitism as laid down in the Party program. I also said that there was hardly any understanding in Austria for the fact that the Nuremberg Laws went beyond the Party program in this respect. In Austria, since 1934, there had been a peaceful, regulated policy to allow the Jews to emigrate. Any personal or physical persecution of Jews was completely unnecessary. I am referring to a document, which is somewhere in the court record. It is a report from the Chief of Police in Vienna, dated, I believe, December 1939, which proves in accordance with statistics that between 1934 and 1939, I think, of a total of 200,000 Jews more than half had emigrated to foreign countries. Those were the problems which I discussed at that time...

DR. KAUFFMANN: And what did Himmler tell you?

KALTENBRUNNER: And I told Himmler at that time that he knew very well that I had not only no training in police matters at all, but that my activity up to then had been in the field of political intelligence work, and that therefore, when taking over the Reich Security Main Office I did not only refuse to have anything to do with such executive offices as the Gestapo and the criminal police, but that my task to which he was appointing me, namely to set up and cultivate an intelligence service, would in fact be impeded by that. I also said that I was not only extremely different from Heydrich personally but that also material differences existed insofar as Heydrich was an expert in police matters, whereas I was not, and that the policy with which he, Himmler, and Heydrich had already discredited the Reich could not be carried on by me. My name, my honor, and my family were too sacred to me for that.

He reassured me in this respect by saying:

"You know that in June 1942 Heydrich was assassinated and that I, myself, since his death"-and this was about 6 or 7 months after Heydrich's death-"have been handling his entire office myself. This is to continue insofar that I"-this means Himmler-"will retain the Executive Office for myself in the future. For this purpose I have at my disposal my well-trained experts, Muller and Nebe. You will not have to concern yourself with it. You take over the Intelligence Service, that is Amt III and Amt VI, as the transition basis for your Intelligence Service."

I told him at that time that an intelligence service could not be built up on the SD alone. An intelligence service which until that time had been so narrow-minded because of Heydrich, and which had been forced more and more into executive work, is a priori unfit to search for intelligence material.

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Secondly, I told him an intelligence service ought to be smaller and, in particular, I considered it madness to have political and military intelligence separated from each other. No country in the whole world except Germany and France has adopted a two division setup for an intelligence service. I therefore demanded from him that he first procure a Fuehrer order on the strength of which the intelligence system of the Armed Forces, which rested in the OKW counterintelligence of lice (Amt Abwehr), should be united with the SD and should be furnished a new body of personnel, which ought to be selected and carefully screened. . .

DR. KAUFFMANN: I am interrupting you for a moment. Can you tell me in one sentence whether that unification which you just mentioned took place?

KALTENBRUNNER: Yes, it did.

DR. KAUFFMANN: With Amt VI?

KALTENBRUNNER: Yes . . .

DR. KAUFFMANN: And then another question...

KALTENBRUNNER: *[Continuing.]* The union was achieved by an order of Hitler dated 14 or 15 February 1944.

DR. KAUFFMANN: Now, I am asking you: After what you have just explained, did Himmler relieve you of the executive tasks and was it made known to your section chiefs and others within the Reich Security Plain Office that you had been so relieved? Did this exemption of executive powers become apparent outside the office; if so, how?

KALTENBRUNNER: After this conference with Hitler in December 1942, he discharged me because I did not want to take over the Reich Security Main Office under those conditions which he had offered to me, namely, that the executive departments should be managed by himself as previously. He was so angry with me that he did not give me his hand and made me aware of his indignation in various other ways during the subsequent weeks. Toward the middle of January, the 16th or 18th, I was ordered by telegram to report to headquarters, which in the meantime had been transferred to East Prussia. I assumed that I was to get a post at the front because I had asked him for such a post. I went to headquarters with complete front equipment because I thought I had finally to expect the same fate that had been the fate of my brothers and of my other male relatives. But I was wrong. He told me:

"I have talked to the Fuehrer and the Fuehrer believes that the centralization and reorganization of the Intelligence Service is the right thing to do. He will initiate the necessary negotiations with the Armed Forces, and you will have to

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organize and build up this Intelligence Service. It still holds that I, with Muller and Nebe, will have direct charge of the executive offices."

If you ask me now whether this limitation must have become apparent at once outside of the office, I have to answer that it was not publicized. Therefore, formally the Prosecution are right in charging me: "As far as the outside world is concerned, you never drew a demarcation line." To that I can say only that I believed I could rely on the words of my then superior. He had stated it to me in the presence of Nebe and Muller and had given them the personal order to communicate with him directly and to report to him and receive the orders from him directly, just as it had been done for the ~ months since Heydrich's death.

I am stating here emphatically that the special assignments which had been given to Heydrich, such as, for instance, the assignment with regard to the final solution of the Jewish problem, were not only not known to me at the time but were not taken over by me. Nominally I was the Chief of the Reich Security Main Office. As such, I considered the Intelligence Service and the reorganization of this Intelligence Service my proper sphere, as I have said before. The directives were given by Himmler, but in State Police and Criminal Police matters things were often done, as I found out very much later, in the name of the Chief of the Reich Security Main Office, that is, in my name, without my knowing of or seeing these orders when they were issued.

The chiefs of the Gestapo office and the Criminal Police office sometimes carried out these orders from Himmler, as I said, in such a way that they also signed my name as Chief of the Reich Security Main Office and, as I probably might have to state in detail later, they so continued routine habits which prevailed during Heydrich's time, who united all executive powers in his' hand and who could delegate the respective powers to Muller and Nebe. But I never had those powers from the beginning, and therefore I could never delegate any partial powers. Perhaps I ought to supplement the declaration of my responsibility in this respect by saying that possibly I have not taken the necessary care to make it clear that no order of the State Police or the Criminal Police should bear my name. That I did not concern myself with that sufficiently is Himmler's fault but probably also my fault.

DR. KAUFFMANN: I draw your attention to the testimony given by Ohlendorf, Chief of Amt III, on 3 January 1946, here in court. I am putting this testimony to you briefly, and will you please make your comment. This testimony refers to the question of the executive power. The witness Ohlendorf said, in reply to my question:

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"If you ask the question whether Kaltenbrunner could bring about executive actions I must answer in the affirmative. If you then name Muller and Himmler, to the exclusion of Kaltenbrunner, then I must point out that according to the organization of the Reich Security Main Office Muller was the subordinate of Kaltenbrunner, and consequently orders from Himmler to Muller were also orders to Kaltenbrunner, and Muller was obliged to inform Kaltenbrunner of them."

And then he goes on to say:

"I can say that I know absolutely that"—I refer to the expression that often came up, namely—"to the last washerwoman" Himmler reserved the final decision for himself. As to whether or not Kaltenbrunner had no authority at all in this regard, I can make no statement."

I am asking you now: Are the essential points of Ohlendorf's testimony correct?

KALTENBRUNNER: It needs clarification. He is right insofar as nothing in the construction or rather organization of the Reich Security Main Office had changed since Heydrich's time. Therefore he could immediately assume that there was an official channel Himmler-Kaltenbrunner-Muller. But during the conferences, that is, when Himmler gave orders, it was specifically not the case. And to the other remark, that Himmler reserved for himself the decision to the last washerwoman, that proves that the situation actually had changed insofar as, contrary to that of Heydrich's time, I, the medium between Himmler and Muller, was not active, so that orders from Himmler went immediately to Muller.

DR. KAUFFMANN: I am now coming to the individual charges preferred by the Prosecution and first submit to you a document for your statement. It is the Document L-38, Exhibit USA-517. It is now Kaltenbrunner-3. This deals with the charge preferred against Kaltenbrunner . . .

THE PRESIDENT: Dr. Kauffmann, has this already got an exhibit number? You do not want to give it another exhibit number.

DR. KAUFFMANN: Very well. If it is not necessary I shall be glad to drop that.

[Turning to the defendant.] The question here is, first, whether all signed orders for protective custody bore your name either in facsimile or typewritten; and the second question is whether you have given such orders—that means whether these orders are authentic; and further, 'in case both these questions are to be answered in the negative, whether you had knowledge of these orders. Please, will you comment on this document?

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KALTENBRUNNER: I must say that not once in my whole life did I ever see or sign a single protective custody order. During the interrogations before the Trial a number of protective custody orders which bear my name were put before me when I was being questioned. Every one of these protective custody orders had this signature, that is, my name, either typewritten or in teletype, and I think in one or two cases it was a facsimile.

DR. KAUFFMANN: You will admit that, naturally, this statement o

f yours is not very credible. It is a monstrosity that the office chief should not know that such orders were signed with his name. How do you explain this fact, a fact which appears from the documents which bear your signature?

KALTENBRUNNER: I had not finished my explanation. I stated that this signature "Kaltenbrunner" on protective custody orders can only have come about through the fact that the office chief, Muller, signed the name of the Chief of the Reich Security Main Office on these protective custody orders, as he had done during Heydrich's time when he was avowed to do so, and that in addition he instructed his sections, for instance, the protective custody section. Accordingly quite obviously he continued to do so during my time, because otherwise these orders could not have been put before me now. But he has never informed me of this and he never had authority from me to do this. To the contrary, this was out of the question and, on the other hand, superfluous, because he was immediately under Himmler and he had authority from Himmler, so that he just as well might have written "Himmler" or "By order of Himmler" or "For Himmler." I admit that this remains a fact about which the Tribunal will not believe me, but nevertheless it was so and Himmler never gave me Q cause to define my attitude in this respect, since he had told me that I was not to carry out these executive tasks.

DR. KAUFFMANN: This means you are trying to say that the use of your signature was in fact a misuse?

KALTENBRUNNER: Muller did not have authority to use it.

DR. KAUFFMANN: Was it known to you that protective custody was possible at all, that it was admissible, and that it has been carried out very often?

KALTENBRUNNER: As I stated, I discussed the concept "protective custody" with Himmler as early as 1942. But I think even before that, already on two occasions in detail, I have had correspondence about this concept once with him and once with Thierack; I consider protective custody as it was handled in the German Reich as being a necessity in the interests of the State, or rather a measure which was justified by the war, only in a small number

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of cases. Apart from that, I have declared myself against and protested against this concept and against the application of any protective custody as a matter of principle, and have often used profound legal historical arguments as reasons. On several occasions I had reported on that subject to Himmler and also to Hitler. I have, in a meeting of public prosecutors—I think it was in 1944—publicly voiced my views against it, since I have always been of the opinion that a man's liberty must be counted among his highest privileges and that only a judgment of a court, firmly rooted in a constitution, should be allowed to infringe on that liberty or to deprive him of it.

DR. KAUFFMANN: I am now discussing with you the reasons stated in such orders for protective custody. The following, among others, were given as reasons: activities hostile to the Reich; spreading of atrocity rumors; assault; refusal to work; religious propaganda. Please, will you express your views on the reasons for these protective custody orders. Are they to be approved of?

KALTENBRUNNER: No. I consider these reasons for protective custody to be wrong. I think I had better explain in detail. My attitude is due to the fact that all the offenses which have been enumerated here might just as well have been dealt with by due process of law in the state courts. For that reason I consider protective custody as such to be wrong, and more so if ordered for the reasons mentioned.

DR. KAUFFMANN: So that, if I understand you rightly, I can summarize your attitude as follows: You want to say that you had no knowledge of the protective custody orders, that you had no authority to issue them, and that you did not sign them, but since these protective custody orders were issued within the Amt IV, you ought to have had knowledge of them. Is this summary correct or is it not?

KALTENBRUNNER: It is correct.

DR. KAUFFMANN: We now come to another charge preferred against you by the Prosecution. The Prosecution claim that you are the intellectual principal or accessory in the crimes committed when you, as the Chief of the Security Police and the SD, had civilians murdered and ill-treated by the so-called Einsatzgruppen. I am going to quote a few sentences from the testimony given by the witness Ohlendorf here in this courtroom on 3 January 1946. Ohlendorf's testimony incriminates you. I wish to have your comment on it. Ohlendorf says with reference to the Einsatzgruppen:

"After his entry into service, Kaltenbrunner had to concern himself with these questions and consequently must have known the background of the Einsatzgruppen which were under his authority."

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He goes on to say with reference to the valuables taken away from the executed persons that these had been sent to the Reich Ministry of Finance or to the Reich Security Main Office, and he finally states that the officer personnel for these Einsatzgruppen were recruited from the leading personnel of State Police and only in a small percentage from the SD. What do you have to say in answer to the question whether or not you knew of the existence and the significance of these Einsatzgruppen?

KALTENBRUNNER: I had no idea of the existence of these Einsatzkommandos as described by Ohlendorf. Later on I heard that they existed, but this was many months later. With regard to this point I want to say the following: It is known to the Tribunal from Ohlendorf's testimony and from Hitler's and Himmler's decrees which have been discussed here that orders for the killing of people had been given. These Einsatzkommandos have never been reorganized during the time when I was in office. These Einsatzkommandos which had been active up to that time were also dissolved or had been put under different commands before I took over the office. I do not know whether the witness Ohlendorf has stated here just when he returned from his Einsatzkommando.

DR. KAUFFMANN: 1942.

KALTENBRUNNER: That is before I came into office. The Einsatzkommandos must later on have come under the charge of the Higher SS and Police Leaders in the occupied territories or, what is even more probable, under the charge of the chief of the anti-partisan units. I cannot answer your question precisely, since I have, as a consequence of my imprisonment for 1 year, no possibility at my disposal for reexamining the organizational scheme.

I think you also asked me whether it is known to me that valuables, which had been taken away from executed persons, had been sent to my office or the Reich Ministry of Finance. I know nothing of such shipments but I do know that Himmler had given an order to everybody—not only to the Security Police but also to other organizations in the occupied territories, be it the Municipal Police or the anti-partisan units or those sections of the Armed Forces which were under his command—saying that all such property was to be surrendered to the Reich Ministry of Finance.

DR. KAUFFMANN: Were these Einsatzgruppen the result of an order from Hitler or of an order from the Reich Security Main Office?

KALTENBRUNNER: It can only be due to an order from Hitler.

DR. KAUFFMANN: You just said that in the course of time you heard about the existence and significance of these Einsatzgruppen. Can you say exactly on which date you gained that knowledge?

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KALTENBRUNNER: I assume that this was at the time when I had my first audience with Hitler, or it may have been on the following day when I reported to Himmler, in November 1943.

DR. KAUFFMANN: 1943?

KALTENBRUNNER: Yes.

DR. KAUFFMANN: If you had knowledge at that time of the Einsatzgruppen and their significance, then the question arises what your attitude about them was and, in case you condemned them, what you did to have them abolished? Did you have a possibility to do so or did you not?

KALTENBRUNNER: I said before that an Einsatzkommando was never set up under my direction or my orders. The existence and the previous activities of such Einsatzkommandos became known to me late in the fall of 1943 and I knew that I would have to resist this misuse of the men who were under the Reich Security Main Office. I think on 13 September 1943, I saw Hitler on the occasion of a visit of Mussolini who had just been liberated. However, my attempt to talk to him failed, because of this State visit. Consequently, in November, after Himmler had put it off repeatedly, I had to go again to headquarters to report officially on my activities up to that time. And on that occasion I talked to the Fuehrer about the facts on the Einsatzkommandos which had become known to me; and not only about that, but also I had the first opportunity to approach him about the entire Jewish problem, and about the

orders given, by him and by Himmler against the Jews which had also become known to me at that time. However, I would like to make a detailed statement on this subject, if you will go through that problem in detail with me.

DR. KAUFFMANN: I now present . . .

KALTENBRUNNER: I should like only to add that the Einsatzkommandos no longer came into the picture, so far as I was concerned, because the entire personnel was committed to the anti-partisan fighting or rather to the Higher SS Police Leader, I believe, on exactly the same day when I entered my office in Berlin. I believe I can remember distinctly that Von dem Bach-Zelewski was appointed Chief of anti-partisan fighting on 30 January 1943. This may also be the reason for the fact that I did not see any reports from the Einsatzkommandos themselves.

DR. KAUFFMANN: I am now turning to another document, L51, Exhibit USA-521. This is an extremely incriminating document on which I want to have your comment.

Butter is the adjutant of the camp commander of Mauthausen. He reports regarding a...

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KALTENBRUNNER: Is this photostat copy the same?

DR. KAUFFMANN: Yes, it is the same.

He is reporting regarding an execution order, referring to 12 or 15 American parachutists who were captured in 1945. Will you please look through the document and state to the Tribunal whether you have given this order, and whether you had authority to issue such an order?

KALTENBRUNNER: Yes. You have discussed this same document with me only yesterday. Therefore it is known to me. I declare that this incident and this order never did come to my knowledge until this document was put before me or until its presentation by the interrogator.

DR. KAUFFMANN: Do you know Ziereis?

KALTENBRUNNER: As I have already said once, I have never had authority to sign on my own initiative a so-called order for execution, that is to say a death sentence. Apart from Hitler nobody in the whole Reich had such authority except Himmler and the Reich Minister of Justice.

DR. KAUFFMANN: With regard to this point, I wish to mention that the Prosecution have also presented execution orders which bore the signature of Muller. Do you want to say something about that?

KALTENBRUNNER: If an execution order had Muller's signature, Muller can have signed it only on the strength of an order from Himmler, or on the strength of a sentence submitted by a court.

DR. KAUFFMANN: It suggests itself to say that if Muller had authority to issue execution orders, then you ought to have had such authority to a much higher degree? Is that right?

KALTENBRUNNER: No, that is not so, because Himmler never gave me such power; also the setup of the chain of command--the State Police remained under Himmler after Heydrich's death even after I took office--would have contradicted that.

DR. KAUFFMANN: The incident referred to in this document is of such importance, particularly since foreign parachutists are involved, that one ought to suppose that it was known in the high offices in Berlin, that means also in the Reich Security Main Office. Did you receive no knowledge of the matter afterwards?

KALTENBRUNNER: I want to add the following statement: The incident definitely did not come to my knowledge.

THE PRESIDENT: Have you finished with Document L-51?

DR. KAUFFMANN: No, I am still concerned with Document L-51, but I am about to leave it.

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THE PRESIDENT: Well, ought you not to refer him to the particular incident which is referred to toward the end of the document, where it says, "Concerning the American military mission which landed behind the German front in the Slovakian or Hungarian area in January 1945"? It goes on, then, to say that the--I think it was adjutant of the camp said, "Now Kaltenbrunner has approved of the execution. This letter was secret and had the signature, 'signed, Kaltenbrunner.'"

I think you should put that to him.

DR. KAUFFMANN: Yes, certainly. He knows the document, and I believe he knows every single word of this document, but I will put it to him again.

[Turning to the defendant.] It says here:

"I estimate the number of those persons captured to have been 12 or 15. They were wearing a uniform which was either American or Canadian, browngreen color, and blouse and beret. Eight to 10 days after their arrival, the order for their execution was received by means of a radio message, or a teletype. Standartenfuehrer Ziereis--that is the Camp Commandant--came to see me in my office and said: 'Now Kaltenbrunner has approved of the execution.' This letter was secret and had the signature, 'signed, Kaltenbrunner.'"

"These men were then shot on the spot, and their valuables were given to me by Oberscharfuehrer Niedermeyer."

Would you, very briefly, go into this?

KALTENBRUNNER: It is completely out of the question that this incident was ever brought to my knowledge, or that it happened with my participation. This is not only plainly a crime against the laws of warfare, but it is, in particular, an action which could or necessarily had to produce the most serious foreign political consequences.

Certainly, in such an incident it is out of the question that Muller or even I, myself, as Muller's superior, could have taken action; but in such a case thorough discussions must absolutely have taken place previously between Himmler, himself, and the Fuehrer.

It is to be assumed, furthermore, that quite definitely someone -maybe the competent section for international law-would have been consulted on the subject first, and that such an action, of course, would have been decreed either by the Fuehrer or by Himmler. In any case, it would have been an order from one of these two personalities. However, even that is unknown to me.

If, therefore, this man Zutter relates here that the order bore my signature, then this can only have been an order which, as I have described before, bore my name falsely since I never had

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authority to issue an order for execution. Therefore, the signature should have been "Himmler" or "By Himmler's order, Muller."

DR. KAUFFMANN: So that you attribute this signature also to a misuse? ~ '

KALTENBRUNNER: No, I believe that it does not concern my signature at all here, but that Ziereis should have said "Himmler." It cannot be assumed that Muller would have signed his or my name in such a way.

DR. KAUFFMANN: We are now coming to another subject. I am referring now to Document 1063(b)PS, Exhibit USA-492, which is a letter from the Reich Security Main Office, dated 26 July 1943. It has the signature, "Signed, Dr. Kaltenbrunner," and the letter is addressed to all Higher SS and Police Leaders. It refers to the establishment of correctional labor camps.

Will you please look through the letter? The Prosecution charges you with the establishment of correctional labor camps. Please explain what your attitude really was, and state whether that letter originated from you.

KALTENBRUNNER: With regard to this point I have to make the following statement: I conclude from the fact that my name is typewritten that this order had not been shown to me before it went out: otherwise I would have signed it in handwriting.

DR. KAUFFMANN: Do you know of a Himmler order?

KALTENBRUNNER: As far as I can remember, I learned of it afterwards.

DR. KAUFFMANN: What is a correctional labor camp? Is it identical with a concentration camp?

KALTENBRUNNER: No, correctional labor camps were camps in which men were put if they were Germans, if they had dodged the compulsory labor service in spite of repeated reminders, or foreign workers who had left their place of work without permission and had been arrested, or workers who were caught during roundups on trains, railway stations, and roads, and who had no permanent labor contract. Confinement to such correctional labor camps covered a period of 14 to 56 days.

DR. KAUFFMANN: It says in this letter that these correctional labor camps, so far as administration and orders were concerned, are under the State Police offices and, furthermore, under the commanders of the Security Police and the SD. Did you have knowledge of that?

KALTENBRUNNER: A so-called breach of labor contract in the Reich or an evasion of the Compulsory Labor Service by a German citizen is an offense which actually could have been dealt with by

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the law courts just as well. The law had provisions to that effect but because of the enormous number of workers employed in the entire Reich—not only Germans, who amounted to 15 or 20 million, but also 8 million foreign workers—it would have been impossible to start hundreds of thousands of proceedings in courts, in hundreds of thousands of cases, for failure to work or breach of contract, or willful desertion from the place of work, et cetera. It goes without saying that furthermore the police departments had no kind of prison accommodations extensive enough to give short-term sentences in such cases. For these reasons such correctional labor camps were established at the headquarters of the State Police or Criminal Police offices.

DR. KAUFFMANN: Did you, in principle, approve of the establishment of such correctional labor camps?

KALTENBRUNNER: Yes, in principle I approved of them although I myself did not participate in issuing this order. I did, however, learn of it later and considered it proper in view of the labor shortage and the conditions then prevailing in the Reich.

DR. KAUFFMANN: Did you have knowledge regarding the treatment of the internees: for what period of time they were confined to these camps, what their food ration was, and how they were employed?

KALTENBRUNNER: As I said, these correctional labor camps were designed to impose confinement for a period not exceeding 56 days. Even this, I believe, was possible only after a man had previously been sentenced for 3 similar offenses. Normally, confinement to correctional labor camps...

THE PRESIDENT: The question was whether you knew the condition in the camps? You are not answering it at all.

DR. KAUFFMANN: Will you please answer my question?

KALTENBRUNNER: I think you asked me...

DR. KAUFFMANN: I asked you whether you knew anything regarding the treatment, the food, and the employment of the internees in these correctional labor camps?

KALTENBRUNNER: I knew only that correctional labor camps had the task of doing labor for public works, that is, in public construction work like roads, railroad maintenance, and, in particular, for repair

of damage due to air raids. The internees of correctional labor camps have been seen by the entire population when so employed. The impression which the appearance of these internees made . . .

THE PRESIDENT: He still is not answering the question.

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DR. KAUFFMANN: I put three exact questions to you. I want exact answers to these questions. Do you know anything about the treatment, the food rations, and the employment? Did you have any knowledge of this, "yes" or "no"?

KALTENBRUNNER: I said with regard to the employment...

DR. KAUFFMANN: Did you have knowledge?

KALTENBRUNNER: Yes, I did. The other two factors I did not know from personal observation.

DR. KAUFFMANN: Did officers of Amt IV ever report to you on this?

KALTENBRUNNER: Not officers of Amt IV; but this problem has, of course, been discussed repeatedly within the political home intelligence service, namely, about the utilization of such labor for emergency work.

DR. KAUFFMANN: Did you see no cause to interfere?

KALTENBRUNNER: I had no cause to interfere with these camps for any misuse, since no case of abuse of camp internees was known.

DR. KAUFFMANN: I am now coming to another document, Document Number 2542-PS, Exhibit Number USA-489. This is a statement, an affidavit by Lindow. He states that until the beginning of 1943, and by order of Himmler, Soviet Russian political commissars and Jewish soldiers were taken out of prisoner-of-war camps and transferred to concentration camps, to be shot. Furthermore, he states that Muller, the Chief of Amt IV, had signed the execution order. If the Tribunal so desire, I shall quote a few sentences from this document.

[To the defendant.] What is your statement with reference to this document?

KALTENBRUNNER: This order of Himmler's was not known to me, and may I point out that it was used from 1941 until 1943, which means, in the main, during the 'time when I was not in Berlin.

DR. KAUFFMANN: I am now reading a particularly incriminating passage-Paragraph 4. Will you please make a statement regarding the question whether this report on these facts also refers to the time after 1943 or to the time before 1943, or whatever you may be able to say about the date.

KALTENBRUNNER: I know the passage.

DR. KAUFFMANN: "In the prisoner-of-war camps at the Eastern Front, there were small Einsatzkommandos which were led by members of the Secret State Police of lower rank. These

Kommandos were attached to the camp commandant and had the task of selecting those prisoners of war

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who were to be executed in accordance with the orders issued, and of reporting their names to the Gestapo office."

KALTENBRUNNER: About this, I...

DR. KAUFFMANN: One moment. From Paragraph 2, I am quoting the last paragraph: "These prisoners of war were first of all discharged as a matter of form and then taken to a concentration camp for execution." Now I am asking you what knowledge did you have of these facts?

KALTENBRUNNER: I had no knowledge of these facts. Moreover, it is impossible that I could have gained knowledge of them, of orders which were issued in 1941 and which, as this witness says, continued to be actually in force until the middle of 1943; it is impossible that, in order to stop the execution of these orders, during the last days, I could have in time...

DR. KAUFFMANN: But actually, it cannot be denied that within the Reich Security Main Office there was a Section IV A 1, that is, a part of the Gestapo, and that this section functioned from 1941 until the middle of 1943, and that it carried out such orders. It can be assumed obviously that you, too, must have been informed about this extremely grave situation, which was inhuman and prohibited by international law, does it not?

KALTENBRUNNER: I was not informed of it.

DR. KAUFFMANN: I am now turning to the subject of concentration camps and the responsibility of the defendant in that sphere.

THE PRESIDENT: We will adjourn now.

[The Tribunal recessed until 1400 hours.]

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Afternoon Session

MR. DODD: Dr. Kauffmann has told me that he had an opportunity to read two cross-interrogatories which we wish to submit—the cross-interrogatories of Dr. Mildner and Dr. Hottl. I told Dr. Kauffmann that it might be well, in order not to disquiet the Defendant Kaltenbrunner, if they were read before he completed his examination.

THE PRESIDENT: Do you agree that it would be better that this crossexamination should be read now, so that the defendant can deal with any points he wishes to deal with?

DR. KAUFFMANN: Yes, that will be satisfactory.

COLONEL JOHN HARLAN AMEN (Associate Trial Counsel for the United States): The first affidavit, if it please the Tribunal is the affidavit of Dr. Rudolf Mildner:

"I, the undersigned, Dr. Rudolf Mildner, made the following affidavit in answer to cross-interrogations by representatives of the Office of United States Chief of Counsel, relating to my affidavit of 29 March 1946, made in response to questions by Dr. Kauffmann for presentation to the International Military Tribunal:

"Question Number 1: Confirm or correct the following biographical data:

"Answer: In December 1939 I became Chief of the Gestapo Office in Chemnitz; in March 1941 I became Chief of the Gestapo Office in Katowice; in September 1943 I became Commander of the Sipo and SD in Copenhagen; in January 1944 I became Inspector of the Sipo and SD in Kassel; on 15 March 1944 I was made Deputy-Chief of Groups IV A and IV B of the RSHA; in December 1944 I became Commander of the Sipo in Vienna; in December 1944 I became Deputy Inspector of the Sipo in Vienna.

"All of these appointments after January 1943 were made by Kaltenbrunner as Chief of the Security Police and SD.

"Question Number 2: Is it not true that while you were Gestapo leader at Katowice you frequently sent prisoners to Auschwitz for imprisonment or execution; that you had contacts with the Political Department (Abteilung) at Auschwitz during the time that you were Chief of the Gestapo in Katowice with regard to inmates sent from the district of Katowice; that you visited Auschwitz on several occasions; that the Gestapo 'SS Standgericht' frequently met in Auschwitz and you sometimes attended the trial of prisoners; that in 1942 and again in 1943, pursuant to orders by Gruppenfuehrer

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Muller, Chief of Gestapo, the Commandant of Auschwitz showed you the extermination installations; that you were acquainted with the extermination installations at Auschwitz since you had to send Jews from your territory to Auschwitz for execution?

"Answer: Yes, these are true statements of fact.

"Question Number 3: With respect to your answer to Question Number 5 in your affidavit of 29 March 1946, did all orders for arrest, commitment to punishment, and individual executions in concentration camps come from RSHA? Was the regular channel for orders of individual executions from Himmler through Kaltenbrunner to Muller, then to the concentration camp commandant? Did the WVHA have supervision of all concentration camps for administration, utilization of labor, and maintenance of discipline?

"Answer: The answer is 'yes' to each of the three questions.

"Question Number 3a: Is it true that conferences took place between SS Obergruppenfuehrer Kaltenbrunner and SS Obergruppenfuehrer Pohl, Chief of the WVHA and Chief of Concentration Camps? Was Dr. Kaltenbrunner acquainted with conditions in the concentration camps?

"Answer: Yes, and because of these conferences and on the occasion of discussions with the two Amt chiefs-Gruppenfuehrer Muller, IV, and Gruppenfuehrer Nebe, RSHA, the Chief of Sipo and SD-SS Obergruppenfuehrer Dr. Kaltenbrunner should be acquainted with conditions in concentration camps.

"I learned from SS Gruppenfuehrer Muller, Chief of Amt IV, that regular conferences took place between RSHA and Amt Group D of WVHA.

"Question Number 4: Is it not a fact that in July or August of 1944 an order was issued to commanders and inspectors of the Sipo and SD by Himmler through Kaltenbrunner, as Chief of the Sipo and SD, to the effect that members of all Anglo-American Commando groups should be turned over to the Sipo by the Armed Forces; that the Sipo was to interrogate these men and shoot them after questioning; that the killing was to be made known to the Armed Forces by a communiquÃ© stating that the Commando group had been annihilated in battle; and that this decree was classified top secret and was to be destroyed immediately after reading?

"Answer: Yes.

"Question Number 5: With respect to your answer to Question Number 7 of your affidavit of 29 March 1946, is it not a fact that:

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"a) After you sent a telegram to Muller requesting that the Jewish persecution be stopped, you received an order by Himmler that the Jewish actions were to be carried out?

"b) That you then flew to Berlin for the purpose of talking with the Chief of the Sipo and SD, Kaltenbrunner, personally, but that since he was absent you saw his deputy, Muller, Head of Office IV of the RSHA, who, in your presence, wrote a message to Himmler containing your request that the persecutions of the Jews in Denmark be stopped?

"c) That shortly after your return to Copenhagen you received a direct order by Himmler sent through Kaltenbrunner as Chief of the Sipo and SD, stating that 'The Anti-Jewish actions are to be started immediately'?

"d) That for the purpose of carrying out this action the Sonderkommando Eichmann, which was under the Gestapo, was sent from Berlin to Copenhagen for the purpose of deporting the Jews in two ships which it had chartered?

"Answer: Yes, to each question-a), b), c), and d).

"Question Number 6: Is it not a fact that the action of Sonderkommando Eichmann was not a success; that Muller ordered you to make a report explaining the causes for the lack of success in deporting of Jews; and that you sent this report directly to the Chief of the Sipo and SD, Kaltenbrunner?"

"Answer: Yes. That is right.

"I have read the above questions and answers as written and swear they are true and correct...."-et cetera.

And now, may it please the Tribunal, the cross-affidavit of Wilhelm Hottl...

THE PRESIDENT: *[To the defendant.]* Did you want to say something?

KALTENBRUNNER: I wanted to ask the High Tribunal for permission to reply immediately to this interrogatory, so that I...

THE PRESIDENT: Yes, you will have an opportunity in a moment. The purpose of having it read now was that your counsel might ask you any questions with reference to it, and then you can make any comment that you want to. Colonel Amen will go on and read the other cross-interrogatory, and then your own counsel will continue your examination-in-chief. Do you understand?

KALTENBRUNNER: Yes, I understand. I merely wanted to suggest, since these two matters are treated separately and concern two different spheres, that I may first express my views and then later . . .

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THE PRESIDENT: We cannot have the matter interrupted in that way. You will be able to deal with it in a moment.

Go on, Colonel Amen.

COL. AMEN: The affidavit of Dr. Mildner dated 9 April 1946 will become Exhibit Number USA-791 and the affidavit of Wilhelm Hottl which I am about to read, dated 10 April 1946, will become Exhibit Number USA-792.

"I, the undersigned, Dr. Wilhelm Hottl, make the following affidavit in response to cross-interrogation relating to an affidavit executed by me on 30 March 1946 answering questions put by Dr. Kauffmann for presentation to the International Military Tribunal.

"1) With respect to question Number 3: Please give the following information:

"a) Explain the basis of your statement that when persons belonging to the SD were transferred to the Einsatzkommandos of the Sipo and SD they

resigned from the SD. Your attention is invited to the fact that Ohlendorf, the head of the SD, has testified to the contrary.

"b) Explain the basis for your statement that Einsatzkommandos had nothing to do with executions. Your attention is invited to the fact that your testimony in this regard is likewise in direct conflict with the head of the SD, Ohlendorf.

"c) What was Hitler's so-called 'Commissar order' and when did you first acquire knowledge of this order?

"With respect to la): In my affidavit I did not speak of a permanent separation from the SD but of a leave of absence for the time of activity with an Einsatzkommando. By that was meant that they did not exercise their SD functions during this time; that this function was inactive.

"With respect to lb): My affidavit appears to have been misunderstood concerning this point. I did not state that Einsatzkommandos had nothing to do with executions but only that not all Einsatzkommandos were concerned with executions. I mentioned as an example the Einsatzkommandos in Africa, Hungary, and Slovakia. In connection with that, I said that these Einsatzkommandos had nothing to do with executions; by that I meant not directly with the actual executions.

"With respect to lc): I, myself, do not know the so-called 'Commissar Order' of Hitler. Dr. Stahlecker, who commanded an Einsatzgruppe of the Sipo and the SD in Russia, told me in the summer of 1942 that the executions of commissars and Jews were carried out on the basis of the Commissar Order

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which covered the extermination of the Jews under the reason of their being bearers of Bolshevism.

"2) With respect to question Number 4: Is it not a fact that Heydrich, as Chief of Sipo and SD, gave the initial instructions to Eichmann concerning the extermination of Jews; that in the RSHA Eichmann's immediate superior was Muller, Chief of the Gestapo; that Muller was first the deputy of Heydrich and later of Kaltenbrunner?

"With respect to 2): Yes, I heard from Eichmann, probably in August 1944, that Heydrich had given him these directives. It is also correct that Muller, Chief of the Gestapo, was Eichmann's immediate superior. As far as I know, Muller was the deputy of Heydrich and later of Kaltenbrunner only in the field of the Gestapo, as likewise were the other office chiefs in their respective fields.

"3) With respect to question Number 5: Is it not a fact that you know from your discussions with Kaltenbrunner and with Eichmann that they came from the same community in Austria and were exceptionally close friends; that Eichmann always had direct access to Kaltenbrunner and that they frequently conferred together; that Kaltenbrunner was well pleased with the manner in which Eichmann carried out his duties; that Kaltenbrunner was very interested in the extermination work performed by Eichmann; that you personally know that Kaltenbrunner went to Hungary for the purpose of discussing the extermination program in Hungary with officials of the Hungarian Government and with Eichmann and other members of his staff in Hungary? Please confirm or correct these statements and make any statement necessary to clarify your answer.

"With respect to 3): I heard from Eichmann that he knew Kaltenbrunner from Linz and that they served there together in 1932 in an SS Sturm. I do not know that they were particularly close friends or that Eichmann always had direct access to Kaltenbrunner and that they conferred frequently.

"I do not know the details about their official relationship. I do not know whether Kaltenbrunner also had conferences concerning the program of extermination of Jews in Hungary during his stays in Hungary in the spring of 1944. Winkelmann, the former Higher SS and Police Leader in Hungary, must know exactly about that, since, according to my knowledge, he, together with Kaltenbrunner, visited persons in the Hungarian Government.

"4) With respect to question Number 6:

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"a) Is it not known to you that Muller, Chief of the Gestapo, always conferred with Kaltenbrunner on matters of importance relating to the functions of his office-particularly with respect to executions of special inmates?

"b) Did you know that Kaltenbrunner was the Higher SS and Police Leader and State Secretary for Security in Austria after the Anschluss until his appointment as Chief of the RSHA, a period of 5 years, during which time his attention was devoted exclusively to police and security matters?

"c) What is the basis of your statement that the intelligence service took up the main part of Kaltenbrunner's attention and all his interest?

"With respect to 4a): Details concerning the official relationship between Muller and Kaltenbrunner are not known to me. However, I could note on several occasions that Muller was with Kaltenbrunner to report about the work of his department.

"With respect to 4b): Kaltenbrunner was not exclusively occupied with police and security matters during his activity as Higher SS and Police Leader in Austria or as State Secretary for Security respectively. Without a doubt he had political interests besides, since the Higher SS and Police Leaders were the representatives of Reichsfuehrer SS Himmler in all matters.

"With respect to 4c): I could note that by virtue of my official relationship with him. Members of other departments also frequently expressed themselves in the direction that he favored and furthered Amt III, and particularly Amt VI and the Mil (Military Amt).

"5) With respect to question Number 7: Answer the following:

"a) What did you personally have to do with concentration camps and what, therefore, is the basis for your answer to this question?

"b) Did you know that all orders for commitments to, releases from, and executions in concentration camps came from the RSHA?

"c) Did you know that the RSHA gave direct orders to commandants of concentration camps? State such orders of which you have personal knowledge.

"d) What are the atrocities committed in concentration camps to which you refer in your answer to this question, and when and in what manner did you acquire knowledge that atrocities were committed in concentration camps?

"With respect to 5a): Personally, I had nothing at all to do with concentration camps. However, I liberated a number of

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persons from concentration camps and therefore know the difficulties that were made by the concentration camp staffs who always called attention to orders of the WVHA of the SS in such cases since the inmates were needed for the armament industry.

"With respect to 5b): It is known to me that orders for commitments into concentration camps and discharges therefrom came from the RSHA. I did not know that all such orders came from the RSHA. I have no knowledge of orders for executions by the RSHA.

"With respect to 5c): I do not know any details and do not know personally any orders concerning this. In the cases in which I intervened for discharges I addressed myself either to Kaltenbrunner directly or to Amt IV. When the processing was of long duration, I received the answer several times from officials of Amt IV that difficulties had come about through the WVHA of the SS.

"With respect to 5d): When Hungary was occupied by German troops in March 1944, several of my Hungarian acquaintances went to concentration camps. After I had achieved their liberation, they told me of bad treatment and atrocities in the Mauthausen Concentration Camp. At that time, I sent an official communication concerning this to the director of the Linz Gestapo Office, with the request to inquire into this matter with the concentration camp commandant Ziereis. Ziereis, however, denied this, as I was informed in the reply. In August 1944 Eichmann told me that there were extermination camps (Ternichtungslager) besides concentration camps. "6) With respect to question Number 9: What is the basis for your opinion that Kaltenbrunner opposed Hitler and Himmler on the program for the physical extermination of European Jewry?

"With respect to 6): Kaltenbrunner told me after his conference with representatives of the International Red Cross in March 1945 that he was against Hitler's and Himmler's program on the question of the extermination of the European Jews. In my response to Question 9, that Kaltenbrunner had given no orders for killing of Jews, the words 'according to my knowledge' are missing. ~

"7) With respect to question Number 11: Who was the American whom you told Kaltenbrunner that you had contacted in a neutral country in 1943? Did Kaltenbrunner agree to travel to Switzerland with you to meet a representative of the Allied Powers with whom you were in touch through the Austrian Resistance Movement; and, if so, whom?

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"With respect to 7): The American liaison man in 1943 was a member of the United States Legation in Lisbon. I am no longer familiar with his name. The connection via the Austrian Resistance Movement with an American organization in Switzerland existed only from the beginning of fall 1944.

Kaltenbrunner agreed to travel there with me about 20 April 1945.

"8) With respect to question Number 12: On what date did Kaltenbrunner order the commandant of Mauthausen Concentration Camp to hand over the camp to approaching troops? At whose insistence did Kaltenbrunner issue this order, and for what reason?

"With respect to 8): I cannot state the exact date of Kaltenbrunner's order to the commandant of Mauthausen Concentration Camp to hand over the camp to approaching troops. It should have been during the last days of April 1945. It is not known to me at whose insistence and for which reason he gave this order; possibly this was connected with his discussions with SS Standartenfuehrer Becher whom I met with him at the time.

"The above statements are true; I made this declaration voluntarily and without compulsion..."-et cetera-"Dr. Wilhelm Hottl."

DR. KAUFFMANN: Do the High Tribunal wish the defendant to state his position or reply to these two documents?

KALTENBRUNNER: Yes, I request that I may do so right away.

DR. KAUFFMANN: Then please give us your views first on the Mildner document. I shall call your attention, perhaps, to question Number 2 which seems relevant to me. It says:

"Is it not true that. . . in 1942 and again in 1943, pursuant to orders by Gruppenfuehrer Muller, the Commandant of Auschwitz showed you the extermination installations. . . ?"

It would seem from this that the Chief of Amt IV knew about these matters.

KALTENBRUNNER: Dr. Kauffmann, may I interrupt you.

As far as I could notice in the last sessions a procedure of so called surprise affidavits is being employed against me. This surprise affidavit is applied for the first time in my case. In spite of that I am glad and grateful, even without having had the opportunity to see this affidavit before, to express my views on the whole and on each point of this affidavit.

As to Dr. Mildner-question Number 1: He is asked about his position which he held in the Security Service. He enumerated the

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positions which he held from 1939 to 1944. During the time I was in office he served as an inspector of the Sipo and the SD in Kassel, as a deputy in Amt IV, as a deputy inspector in Vienna in 1944, and as a commander of the Sipo in Vienna also in 1944. He said, "All of these appointments after January 1943 were made by Kaltenbrunner as Chief of the Security Police and the SD."

That is incorrect. I never appointed anybody to high positions such as these held by Mildner.

Were Mildner asked about this before this Tribunal, he would have to confirm that. He was apparently not questioned on that by the Prosecution. In case of an appointment of an official for the Security Police and the SD I was simply asked and notified in each case of such an appointment of a functionary of the Security Police and SD, because as an inspector of the SD and of the Security Police he had to have in this capacity a strong intelligence section, that is, a subdivision of Amt III and IV which were at my disposal as far as intelligence was concerned, so that as Chief of the intelligence service I had to know who was inspector of a subdivision in Vienna, Kassel, or in Copenhagen. Later he also had to have my intelligence orders for his groups. That was the only reason why I had to be notified of such appointments. It was not within my competence to appoint any official of the Sipo; that is a definite misrepresentation arising from this affidavit of Dr. Mildner. O

In reply to Question 2, if it is said that in his positions in Chemnitz and Katowice, in the year 1939 and 1941, he had to transport prisoners to Auschwitz for imprisonment and execution, then, in the first place, this falls into the period before I had assumed office, and, secondly, this was purely an executive measure of those agencies of which I was never in charge and never took over. He therefore can never have acted here as my deputy.

As to question Number 3, here the Prosecution accuses him:

". . . That the Gestapo 'SS Standgericht' frequently met in Auschwitz and you sometimes attended the trial of prisoners;" -in other words that he attended the executions-"that in 1942 and again in 1943, pursuant to orders by Gruppenfuehrer Muller. . . the Commandant of Auschwitz showed you"-that is Mildner-"the extermination installations; that you were acquainted with the extermination installations at Auschwitz since you had to send Jews from your territory to Auschwitz for execution."

In my opinion, I could perhaps only be incriminated on one point. The question is this: "Did Mildner once, in the year 1943, see such installations or did he attend the shootings?" First of all, the

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Prosecution did not show whether this "one time" took place before or after I assumed office.

DR. KAUFFMANN: Will you please be a little briefer and more to the point.

KALTENBRUNNER: Excuse me, Doctor, but I have to be able to refute every single word.

THE PRESIDENT: Dr. Kauffmann, we do not want the witness to argue upon this document. If he has anything to say about the facts, then he can do it, but not argue on it.

DR. KAUFFMANN: Yes, that is my opinion, also.

[Turning to the defendant.] I am asking you—an especially important and incriminating point, it seems to me, is question Number 3; explain if you will, I read: "...did all orders for arrest..."—et cetera—"individual executions from the RSHA"; and then: "Was the regular channel from Himmler through Kaltenbrunner to Muller, and then to the concentration camp commandant?" And then the answer, "yes."

Please answer briefly.

KALTENBRUNNER: I have already explained today that the authority and power to order executions rested only to a small extent with the Minister of Justice, and with Himmler. Nobody else in the entire Reich had the possibility or the authority to order that. Further, despite—the official channels—Himmler, Kaltenbrunner, Muller—such an order from Himmler was never forwarded to me; these orders must have gone from Himmler to Muller. To put this question to Mildner is wrong for the single reason that the man was not with me and cannot know whether I ever received such an order from Himmler. It is only a conclusion which he draws from the normal organizational setup.

DR. KAUFFMANN: That is a matter for the Defense later on; you need not talk about that.

THE PRESIDENT: You are not looking at the words. What he is asked is, "Was the regular channel...?" That is the question. What is the regular channel for orders from Himmler to you and Muller?

KALTENBRUNNER: Your Lordship, I have already explained the question how Himmler himself ruled on the competencies. Just think of June 1942, of Heydrich's death. From that day on—it is a written order and was announced publicly—Himmler took charge of the entire RSHA and assumed all the duties which had been Heydrich's. In January 1943 I was appointed Chief of the RSHA, after it had been announced that the executive power and competence of the State Police and Criminal Police remain with

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Himmler, no change was to be made, and the Chiefs of Amt IV and V, Muller and Nebe, would continue to be directly under Himmler. For that reason the organizational scheme as it existed at the time of Heydrich was no longer applicable for Amt IV and V when I joined the staff.

DR. KAUFFMANN: Now, Question 3a: There it says, "Was Dr. Kaltenbrunner acquainted with conditions in the concentration camps?" Here also it is not explained just what is meant by "conditions" in concentration camps, but it is most likely to be interpreted that those conditions which have been attested by witnesses are meant. The witness said, "Yes."

KALTENBRUNNER: Dr. Kauffmann, you are overlooking a very important sentence, the last one, on Question Number 3. Here the Prosecution ask: "Did the WVHA have supervision of all concentration camps for administration, the utilization of labor, and maintenance of discipline?" This sentence is

tremendously important for the following reasons: The Prosecution endeavor to shift the entire guilt for the destruction of human life from the WVHA to the RSHA, and, if the High Tribunal want to find the truth...

THE PRESIDENT: Just a minute. This is again a long argumentative speech. The only question which arises, it seems to me, upon this question 3a, is: Did a conference take place between Kaltenbrunner, Pohl, and the chief of the concentration camps? If he says that they did not, then that is an answer that he makes to the affidavit; that is the only question of fact.

DR. KAUFFMANN: Yes, that was not the question; I am of the same opinion.

[Turning to the defendant.] Please answer "yes" or "no" to the question which was just put to you. Did such conferences between Pohl, Muller, and yourself take place?

KALTENBRUNNER: I never had conferences with Pohl and Muller. I had to have semiannual conferences with Pohl because Pohl was, as Chief of the WVHA, the Finance Minister for the entire SS and Police and the funds for my entire intelligence service had to come from Pohl insofar as the Reich Finance Ministry did not provide for all the personnel.

DR. KAUFFMANN: Now, please answer one further question: Who was responsible for the administration of concentration camps, the general treatment, food, et cetera?

KALTENBRUNNER: The entire competence and jurisdiction in concentration camps, from the moment an internee stepped through the gate of a concentration camp until his release or his death in the concentration camp, or—the third possibility—until the end of

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the war at which time he was liberated, rested exclusively with the WVHA.

DR. KAUFFMANN: Now another question for the complete clarification. I am assuming that these things were exclusively under the jurisdiction of the WVHA, which had nothing to do with the RSHA. But it is correct, is it not, that only through measures of the Secret Police—by issuing orders for protective custody— that internment in these camps could take place. I just want to define clearly these limitations.

KALTENBRUNNER: There is no doubt that that is correct in respect to individual internments on the basis of individual orders for protective custody which, I admit, were partly based on illegal reasons, as I have already stated. However, most of the internments did not take place on orders from the RSHA but came from the occupied territories—and from there came, for instance, the big transports which Fichte mentioned in the first document.

DR. KAUFFMANN: But then these are, without doubt, the offices which were in charge of internments: the Gestapo offices or the Gestapo regional head offices.

KALTENBRUNNER: No, not alone.

DR. KAUFFMANN: But they did participate?

KALTENBRUNNER: No, not alone. One way for internment was the order for protective custody by the Gestapo, another one was the order for protective custody by the Kripo or the courts.

DR. KAUFFMANN: Now, a further statement. Will you please make a statement to Question Number 5, the action in Denmark?

THE PRESIDENT: Have you dealt with Question Number 4 yet?

DR. KAUFFMANN: Not yet, Mr. President.

[Turning to the defendant.] I go over to Question Number 4. "Is it not a fact that in July or August of 1944 an order was issued to commanders . . . by Himmler through Kaltenbrunner, as chief . . . to the effect that members of all Anglo-American commando groups should be turned over to the Sipo by the Armed Forces?"

Mr. President, I wanted to deal with this question comprehensively at a later time and by means of documents, but, if you wish me to, I can deal with it now.

THE PRESIDENT: I do not care how you deal with it. I thought you were taking him through this document. ~

KALTENBRUNNER: High Tribunal, may I perhaps answer it right away? The answer to this question is very simple. The Prosecution itself, through at document, has, in a completely different form, charged that the State Police had incriminated

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themselves by falsifying the facts. In that document the Prosecution states that Muller gave the approval; but here the deponent is told, "issued . . . by Himmler through Kaltenbrunner as Chief of the Sipo and SD." And that document, as far as I recall-I do not know the number-is signed by Muller.

DR. KAUFFMANN: I will submit that document to you. It is Document 1650-PS, Exhibit USA-245. This document is headed, "Gestapo office, Cologne; Branch Office Aachen." It is a teletype and dated "4 March 1944; top secret":

"Subject: Measures against escaped prisoners of war who are officers or non-working, noncommissioned officers' with the exception of British and American prisoners of war."

THE PRESIDENT: Surely that has nothing to do with it. This is a document of March, and the document that the question refers to is in July or August.

DR. KAUFFMANN: I cannot hear.

THE PRESIDENT: The document you have now put forward is a document in March 1944. The Question Number 4 relates to a document in July or August 1944.

DR. KAUFFMANN: July or August (1944? I have no such document, Your Honor. Perhaps the defendant can tell us now whether such an order by Himmler existed and whether such a Himmler order was transmitted by him—"yes" or "no."

KALTENBRUNNER: I heard about the existence of such an order for the first time here. I believe it is a mistake on the part of the Prosecution that the question was put to Mildner as July or August. I believe the Prosecution means the document of 4 March 1944.

DR. KAUFFMANN: Then you are saying that this order from July is not known to you?

KALTENBRUNNER: I did not know this order nor did I know about it during my term of office.

THE PRESIDENT: Dr. Kauffmann, it is perfectly obvious, isn't it, that the document to which you are referring has nothing to do with this question at all, because this document of March concerns measures to be taken against captured, escaped prisoners of war who are officers or noncommissioned officers, except British and American prisoners of war. That is the document.

DR. KAUFFMANN: I do not have a document of July or August 1944.

THE PRESIDENT: I don't know whether there is a document of July or August 1944 at all. What I am saying to you is that the

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document which you put to the witness now—of March 1944—can't be the document referred to in question Number 4, for it deals with an entirely different subject.

DR. KAUFFMANN: Yes. That is right, Your Honor. I believe I can explain this, Mr. President. I assume that the testimony by the witness refers to the so-called Commando order of Hitler of 18 October 1942, and that a result of this order is meant here. I believe it is that way.

THE PRESIDENT: Colonel Amen, can you tell whether the Prosecution, in putting this question, were referring to a document of March, 1944, or whether they were referring to a document of July or August 1942?

COL. AMEN: We, Your Lordship, were not referring to any document that was brought up by the witness. But since that time we have confirmed from another document—which I think we have here at the table—referring to this same document or a document of that same date. Now, the witness' feeling was that that document had been destroyed after reading. But that there was such an order apparently is borne out by another document which we have here which has not come before the Tribunal in any way at all. In other words, this document was brought up in the first instance by the witness himself.

THE PRESIDENT: But has the document to which Dr. Kauffmann has referred of March 1944 got anything to do with it?

COL. AMEN: That is not the document and has nothing whatsoever to do with it.

DR. KAUFFMANN: Then shall I pass on to the next question, Your Honor?

THE PRESIDENT: Yes.

DR. KAUFFMANN: It is the question of the persecution of Jews in Denmark. Will you make a statement to that?

KALTENBRUNNER: The statement in the affidavit of Mildner which was read by you this morning is alone correct.

DR. KAUFFMANN: Is that your statement?

KALTENBRUNNER: I never had anything to do with the removal of Jews from Denmark. Such an order could have been given only by Himmler; and that this was a direct order given by Himmler was confirmed by Mildner.

DR. KAUFFMANN: Point c) of the question Number 5 says, "That shortly after your return to Copenhagen you"-that is, the witness Mildner-"received a direct order by Himmler sent through Kaltenbrunner, as chief..."

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KALTENBRUNNER: I never had an order like that go through my hands and I never received an order like that from Himmler. It is also absolutely impossible, because Denmark had her own Higher SS and Police Leader who was the direct representative of Himmler right there, and who was immediately subordinate to him and not to RSHA. This Higher SS and Police Leader was at the same time Commander of the Sipo. Organizationally I could not give such an order to Denmark.

DR. KAUFFMANN: In Question Number 6 it is asked: "Is it not a fact that the action of Sonderkommando Eichmann was not a success; that Muller ordered you"-that is Mildner-"to make a report . . . directly to the Chief of the Sipo and SD, Kaltenbrunner?"

The witness Mildner answered that in the affirmative. Is such a report from Denmark known to you?

KALTENBRUNNER: I not only do not know this report, but I know with certainty-I spoke to Himmler not once but a dozen times about this-that he received every report from Eichmann directly, in many cases without informing Muller.

DR. KAUFFMANN: Then let us turn to Hottl's affidavit. As far as I can see there are no important changes from the affidavit given me. Do the High Tribunal wish for me to put questions on that matter?

Then let us turn to question Number five). It states:

"It is known to me that orders for commitments into concentration camps and discharges therefrom came from the RSHA. I did not know that all such orders originated with the RSHA. I have no knowledge of orders for executions by the RSHA." What can you say to that?

KALTENBRUNNER: Orders for execution could only have come through RSHA when Himmler had ordered Muller to forward these orders. But I believe that took place only in a few isolated cases and mostly after Muller had informed Himmler that a court had passed judgment.

DR. KAUFFMANN: Mr. President, the defendant asked me several minutes ago to make a statement with reference to Document 1063-PS which we have discussed. He had contested his signature; I believe that he wishes to say now that it is his signature. It is the document of the RSHA of 26 July 1943. Do you want the document?

THE PRESIDENT: Dr. Kauffmann, is it 1063-PS? Have you the original there?

DR. KAUFFMANN I have only a photostatic copy; not the original, Your Honor.

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THE PRESIDENT: Well, what is the question?

DR. KAUFFMANN: *[Turning to the defendant.]* Are you ready?

KALTENBRUNNER: Yes. There is a mistake on your part, Dr. Kauffmann. I have not contested my signature, but have stated that I must assume that I received knowledge of this order only after it had been published and that the original order presumably did not carry my signature. That is what I said. But I do remember now, through the clause, "certified Employee," that it was apparently an order of which the original was signed by me at the time.

Furthermore I remember from the first few words of the decree, "The Reichsfuehrer SS has approved..." et cetera, that this order was based on a personal report which I must have made to Himmler, and that with this report—I call your attention to the date, 26 July 1943—I apparently made the first attempt with Himmler to mitigate or alleviate the conditions; namely, that in such cases for which people hitherto were committed to concentration camps they should in minor cases no longer be put in concentration camps but in labor education camps and that there was to be a differentiation between concentration camps and . labor education camps. Therefore, in my opinion it was the result of my first attempt with him against the system of concentration camps.

And third, I would like to point out that this decree carries the number IIc and thereby is not a decree which came from the Police executive offices such as State Police or Kripo but from the administrative level.

DR. KAUFFMANN: That is a sufficient explanation.

The Prosecution hold you responsible for the commitment of politically and racially undesirable persons into concentration camps., How many concentration camps became known to you after your appointment as Chief of the RSHA?

KALTENBRUNNER: At the time of my appointment I knew three concentration camps. At the end of my official activity there were 12 in the entire Reich.

DR. KAUFFMANN: How many were there in all?

KALTENBRUNNER: There was a thirteenth. That was the SS prison camp near Danzig. There were altogether thirteen concentration camps in the Reich.

DR. KAUFFMANN: How can you explain the chart which you saw here with the many red dots which were alleged to be concentration camps?

KALTENBRUNNER: That presentation is definitely misleading. I saw this chart hanging here. All the armaments centers, factories,

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et cetera, in which internees from concentration camps were used for labor must have been characterized as concentration camps. I cannot explain in any other way the deluge of red dots.

DR. KAUFFMANN: Do you differentiate between the smaller camps and the regular concentration camps, and if so, why?

KALTENBRUNNER: The difference is very obvious for the following reasons: Any worker who worked in armament industries -that is; each internee-worked in the same enterprise, in the same factory, as every other German or foreign worker. The difference was merely that the German worker at the conclusion of his working hours, at the end of the day, returned to his family, whereas the internee of the labor camp had to return to the camp.

DR. KAUFFMANN: You are accused of establishing the Concentration Camp Mauthausen, that you visited this camp repeatedly. The witness Hollriegel, who testified here, said he had seen you in this camp. He also claims to have seen you inspecting the gas chambers while they were in operation. There is an affidavit of Zutter, who has already been mentioned today and who claims to have seen you at the Concentration Camp Mauthausen. From this the Prosecution conclude that you, too, must have known exactly about these conditions which were beneath human dignity. I am asking you now, is this evidence correct or wrong? When did you inspect these camps, and what observations did you make?

KALTENBRUNNER: The testimony is wrong. I did not establish any concentration camps in Austria where I was until 1943. I did not establish a single concentration camp in the Reich from 1943 onwards. Every concentration camp in the Reich as I know today, and as has been proved here with certainty, was established on orders of Himmler to Pohl. This applies also-and I wish to emphasize this-to the Mauthausen Camp. Not only were Austrian authorities excluded from establishing the Mauthausen Camp, but they were unpleasantly surprised because neither was the conception of a concentration camp in that sense known in Austria, nor was there a necessity for establishing concentration camps anywhere in Austria.

DR. KAUFFMANN: And now, in Germany, in the Reich proper?

KALTENBRUNNER: What do you mean by that?

DR. KAUFFMANN: I am asking regarding your knowledge of conditions there.

KALTENBRUNNER: I heard gradually more and more about conditions in concentration camps. It is apparent that I must have heard of these things already by way of the entire Reich intelligence service and its news channels for home politics.

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DR. KAUFFMANN: Did you not, as testified by Hollriegel, see the gas chambers in operation?

KALTENBRUNNER: Never; neither while they were operating nor at any other time did I see a gas chamber.

THE PRESIDENT: You are going too fast. Make pauses between your questions and answers and don't speak too fast. He said that he had gradually by way of Intelligence, heard of the concentration camps in the Reich. Is that right?

DR. KAUFFMANN: Yes.

[Turning to the defendant.] You heard gradually about conditions in the concentration camps, that is what you said, is it not?

KALTENBRUNNER: Yes.

DR. KAUFFMANN: Do you recall my last question?

KALTENBRUNNER: No.

DR. KAUFFMANN: Whether you saw the gas chambers in operation?

KALTENBRUNNER: Yes, I already answered that I never saw a gas chamber, either in operation or at any other time. I did not know that they existed at Mauthausen and testimony to that effect is entirely wrong. I never set foot in the detention camp at Mauthausen—that is, the concentration camp proper. I was at Mauthausen, but in the labor camp, not in the detention camp. The total complex of Mauthausen, as I remember it today, extends over an area of ~ kilometers. Within this area there is a space of perhaps 4 1/2 or 5 kilometers of labor camps. There are the largest granite quarries in Austria, and they were owned by the city of Vienna.

DR. KAUFFMANN: A picture has been shown in which you appear together with Himmler and Ziereis.

KALTENBRUNNER: I was just coming to that. The quarries belonged to the city of Vienna. The city of Vienna had a vital interest not to be excluded from the deliveries of granite which they used for paving the streets of Vienna. Now, according to a Reich law, as I learned later, this large quarry was expropriated from the city of Vienna by the WVHA-Pohl—and the city of Vienna was excluded from the supply of granite for quite some time. Now, the city turned to me to approach Himmler on this. It happened that Himmler was visiting and inspecting southern Germany and decided to visit Austria and

Mauthausen and asked me to see him there. In that way, it came about that I was with Himmler at this quarry. Whether or not I was photographed at that time, I do not know. I have not seen the picture and I cannot say whether I am in it.

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I might add something. Neither at this time nor at any other time did Himmler ever take me into a concentration camp or suggest that he do so; as I learned later, he had certain reasons for not doing so. I would not have attended such an inspection for I knew very well that as far as I was concerned, he would, as he did with others whom he had invited on such visits, show me "Potemkin villages" and not conditions as they actually were; and, except for a handful of men in the WVHA, no one else was allowed to see how things really were in concentration camps.

DR. KAUFFMANN: Now, may I ask you—you are speaking about a handful of men—you did not belong to this group?

KALTENBRUNNER: No, I did not. This handful of men were Himmler, Pohl, Muller, and Glucks, and the camp commanders.

DR. KAUFFMANN: As far as Camp Mauthausen is concerned, there is a document on which we would like to have your views. The Document Number 1650-PS, which has already been submitted, dated 4 March 1944, is the so-called Bullet Decree. It deals with Camp III:

"Measures against recaptured prisoners of war, officers and non-working, noncommissioned officers, with the exception of British and American prisoners of war."

This document is known to the Tribunal in its contents. I do not believe that I need read it. The Defendant Kaltenbrunner is to make a statement, whether these facts became known to him.

THE PRESIDENT: I did not hear the reference to it, the number.

DR. KAUFFMANN: Document 1650-PS, Exhibit Number USA-246.

THE PRESIDENT: Perhaps that would be a good time to break off for 10 minutes.

[A recess was taken.]

THE MARSHAL: May it please the Tribunal, a report is made that the Defendant Goering is absent from this session of the Court.

DR. KAUFFMANN: Have you the Document 1650-PS, and have you read it?

KALTENBRUNNER: Yes, I have read it.

DR. KAUFFMANN: This, as emphasized, is the famous Bullet Decree. When did you hear of this?

KALTENBRUNNER: I did not know the actual decree; this must have been a decree issued long before I came into office. Neither had I seen this teletype copy of the document given to me here.

DR. KAUFFMANN: I am drawing your attention to the signature which reads "Muller"

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KALTENBRUNNER: Actually, the man was entitled to sign such a decree if it did in fact exist. But I have heard--this I would like to add--at the time of 1944/1945 from the liaison officer between Himmler and Hitler by the name of Fegelein when I made my report to headquarters, which at that time, I believe, was already in Berlin, I heard the name Bullet Decree, which to me was an absolutely strange conception. So I asked him what it was. He replied that this was a Fuehrer order and that he knew no more than that, except that he had heard that this was a special type of prisoner of war.

I was not satisfied with that reply, and so, on the same day, I sent a teletype message to Himmler in which I asked him to look into an order of the Fuehrer which was called Bullet Decree. At that time I did not know either that the State Police was concerned with the Bullet Decree.

Then a few days later, Muller came to see me on Himmler's behalf, and gave me a decree to read which, however, did not come from Hitler, but from Himmler, in which Himmler stated that he was transmitting this to me as a verbal order of the Fuehrer. Referring to this, I replied to Himmler that I noticed in this Fuehrer decree that again the most elementary principles of the Geneva Convention were violated, although this had been going on from a time long before I had assumed office and there had been other violations following that. I asked him to intervene with the Fuehrer, and I attached to this letter the draft of a letter from Himmler to Hitler, asking the Fuehrer (a) to cancel that decree, and (b) at any rate, to relieve the subordinate departments of the burden on their conscience.

DR. KAUFFMANN: What was the result?

KALTENBRUNNER: The result was positive. Although the Bullet Decree and a number of other equally depressing orders were not repealed, it was positive insofar as in February 1945 Hitler permitted me for the first time to get in touch with the International Red Cross, an action which had been strictly prohibited before.

DR. KAUFFMANN: This action with reference to the Red Cross was initiated by you, and did this action refer to the inspection of concentration camps?

KALTENBRUNNER: In that connection I must answer "yes" and "no," for it coincided with the request made by the Red Cross and its president, Burckhardt, for immediate and direct contact. I would like to say the attempt of both sides coincided.

But please do not misunderstand me. Apart from that there were, of course, numerous attempts--I would almost like to say,

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behind Hitler's back—to get in contact with the Red Cross, in which connection I call attention for instance to the continuous contact the Foreign Office had with them.

DR. KAUFFMANN: If I understand you correctly, you want to cite the request to Professor Burckhardt to visit the concentration camps, as an exonerating circumstance for yourself.

KALTENBRUNNER: Yes, of course, but I should like to talk about that later in greater detail, because it is premature at this stage.

DR. KAUFFMANN: The Prosecution have stated that during the time you were in office two concentration camps had been newly established, Lublin and Hertogenbosch. Did you hear anything about that? Who could have ordered the establishing of these two camps?

KALTENBRUNNER: I do not know the date when these two camps were set up. The one in Lublin and the other one in Hertogenbosch were subordinate through the channel of the WVHA to the Higher Police and SS Leader of the occupied countries in which they were situated, so that the main offices in Berlin had nothing to do with them.

DR. KAUFFMANN: Now, will you please answer this question with "yes" or "no": Had the concentration camp at Auschwitz been known to you as such?

KALTENBRUNNER: No, I did not know about it until November of 1943.

DR. KAUFFMANN: Were you, simultaneously with learning of the camp's existence, informed of the significance of this camp, namely, that it was exclusively an extermination camp for Jews handed over by Eichmann?

KALTENBRUNNER: No, it could not have been known to anybody as such, for the question put to Himmler, "Why was such a large camp being installed there?" was always answered by him, "Because of the proximity of the large armament works." And I think he mentioned then Vitkovice and others.

At any rate—and I think this must be emphasized—there was such a complete secrecy regarding what went on in Auschwitz, that the statements of not only the defendants but of anyone else who might be asked by the Americans, "Do you know about it?" and answers in the negative must be believed.

DR. KAUFFMANN: The most atrocious excesses are connected with this camp in Auschwitz. This concentration camp was under the spiritual leadership of the infamous Eichmann. Now I am asking you: When did you get acquainted with Eichmann?

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KALTENBRUNNER: I became acquainted with Eichmann in my home town, Linz. The Prosecution have stated—and today the attempt was made to establish from an affidavit—that I was a friend, or at least a close acquaintance, of Eichmann. I would like to make the following statement on this with particular reference to my oath. I have a different conception of a close acquaintance or even a friendship.

I learned of Eichmann's existence in Linz because his father, as director of an electrical construction company at Linz, consulted my father as a lawyer, and thus they knew each other; and because, he, the son of his father, attended the same high school as my brothers.

Therefore, the statement of Hottl that I had met Eichmann in an SS platoon at Linz is wrong, because when I joined the SS Eichmann had already fled to Germany, as I learned later.

Secondly, the Prosecution state that I met the same Eichmann for the first time in 1932 and for the second time in February or March 1945. Therefore, I did not see him for 13 years and after that last meeting I never saw him again.

On the basis of these two personal meetings, I can draw the conclusion that I was neither a friend of his nor that we were closely acquainted. It is true that on that second occasion he accosted me and said, "Obergruppenfuehrer Eichmann is my name; I come from Linz too." I said, "Pleased to meet you. How are things back home?" But there was no official contact.

DR. KAUFFMANN: Witness Lammers stated yesterday that in the RSHA a conference took place regarding the so-called "final solution." Did you know about it?

KALTENBRUNNER: No. I think that the witness Lammers, and another witness, too, stated that Eichmann, possibly under my name, had called a meeting at the RSHA in Berlin during February or March 1943, a so-called discussion with department chiefs. I have to say to that, that nominally I did commence my services in Berlin on 30 January, but in fact, until May I was not in Berlin except for a few official visits; but in Vienna, where I was enlarging my intelligence service in order to transfer it eventually to Berlin.

DR. KAUFFMANN: One further question to that. When did you hear, for the first time, that the camp at Auschwitz was an extermination camp?

KALTENBRUNNER: Himmler told me that in 1944, in February or March. That is, he did not tell me, he admitted it.

DR. KAUFFMANN: What was your attitude upon learning this?

KALTENBRUNNER: I did not hear the question.

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DR. KAUFFMANN: What attitude did you adopt when you heard about it?

KALTENBRUNNER: I had no knowledge of Hitler's order to Heydrich regarding the final solution of the Jewish problem at the time I took up my office. In the summer of 1943 I gathered from the foreign press and through the enemy radio...

THE PRESIDENT: This is not an answer to your question. You asked him what he did when he found out that Auschwitz was a concentration camp. He is now making a long speech about Heydrich. You asked for his attitude. I suppose you meant what he did when he first heard that Auschwitz was an

extermination camp, in February or March 1944. He is now telling us a long story about something having to do with Heydrich.

DR. KAUFFMANN: Please try to give me a direct answer to that question. What was your attitude after you heard about that? Answer quite briefly and very concisely, please.

KALTENBRUNNER: Immediately after receiving knowledge of this fact, I fought, just as I had done previously, not only against the final solution, but also against this type of treatment of the Jewish problem. For that reason I wanted to explain how through my intelligence service I became acquainted with the whole Jewish problem, and what I did against it.

THE PRESIDENT: We still don't know what you did...

DR. KAUFFMANN: What did you do? I am asking you for the last time.

KALTENBRUNNER: In order to explain what I did I must explain how I reacted, just as I have to tell you what I heard about it.

DR. KAUFFMANN: Just explain to us your reactions.

KALTENBRUNNER: First I protested to Hitler and the next day to Himmler. I did not only draw their attention to my personal attitude and my completely different conception which I had brought over from Austria and to my humanitarian qualms, but immediately, from the first day, I concluded practically every one of my situation reports right to the very end by saying that there was no hostile power that would negotiate with a Reich which had burdened itself with this guilt. Those were the reports I put to Himmler and Hitler, particularly pointing out also that the intelligence sector would have to create t

he atmosphere for discussions with the enemy.

DR. KAUFFMANN: When did the Jewish persecution end?

KALTENBRUNNER: October 1944.

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DR. KAUFFMANN: Do you want to say that this was due to your intervention?

KALTENBRUNNER: I am firmly convinced that this is chiefly due to my intervention, although a number of others also worked toward the same end. But I do not think that there was anyone who kept dinning it into Himmler's ears every time he met him or that there was anyone who would have spoken so openly and frankly and with such self-abnegation to Hitler as I did.

DR. KAUFFMANN: Was that instruction to Eichmann an instruction which came from Hitler and Himmler to the RSHA and then to Eichmann, or was it a strictly personal order outside the competence of the RSHA?

KALTENBRUNNER: Naturally I can only reconstruct the situation today, since I was not there when these orders were issued; but I have reason to assume that the channels for this order were: Hitler, Heydrich, Eichmann; and that Himmler, shortly after Heydrich's death, kept on working with Eichmann and probably very often even excluded Muller.

DR. KAUFFMANN: The witness Wisliceny, who was examined here--and this I am going to put to you--stated on 3 January that practically the final solution was carried out between April 1942 and October 1944. Wisliceny referred to a personal order from Himmler and stated further that Eichmann was personally charged with the task. But he goes on to say, "The extermination of Jews continued under Kaltenbrunner without any reduction or alleviation." Reports made by Eichmann to that effect were sent at regular intervals to Kaltenbrunner through Muller. It is stated that in 1944 Eichmann called personally on Kaltenbrunner, and Wisliceny affirms having seen Kaltenbrunner's signature on such reports to Himmler.

That was Wisliceny's testimony. Now my question: Is this testimony true in its essential points?

KALTENBRUNNER: The testimony is wrong, but I can clarify it. Wisliceny may have seen my signature once, not on a report to Himmler which I had received from Eichmann and Muller, but on a letter which I wrote to Himmler, a copy of which I passed on to Muller and Eichmann for their information and in which I referred to my last report--verbal report--to Himmler regarding the Jewish question. It was on this occasion that, for the first time, I heard of Eichmann's activity in that respect, and, in order to make it clear to Eichmann that I did not want to be associated with that activity, I had Muller give this man a copy of the letter to Himmler. In that letter I asked Himmler to define his attitude so that, since the Fuehrer again had ordered me to report to him,

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I could give the Fuehrer a full report on Himmler's activities and therefore wanted an early decision.

DR. KAUFFMANN: The witness Hotl has stated in an affidavit that he had heard from Eichmann that a total number of 4 to 5 million Jewish persons had been exterminated, about 2 million of them in Auschwitz. Have you heard any such figures?

KALTENBRUNNER: I have never heard such figures. But I approached Himmler on that subject and asked him whether he had any idea of all these crimes so far. The reason I put that question to him was that he would realize the extent of the catastrophe which was bound to follow. He replied to me that he had no figures. I do not believe it. I believe he had them.

DR. KAUFFMANN: Do you want to assume a responsibility in this connection or do you want to deny it?

KALTENBRUNNER: I must deny it completely, because I hope to be able to prove through Burckhardt that there was nobody who exposed himself more on this question in favor of another solution.

DR. KAUFFMANN: I am now referring to a document, which is Document R135, Exhibit USA-289. It is a letter from the Reich Commissioner for Riga and dated 18 June 1943. It refers to an action against the Jews at the Minsk prison. It is a letter from the commandant of the prison, addressed to the Commissioner General for Bielorussia at Minsk. Please, will you make a statement on that document?

KALTENBRUNNER: I can see from both the signature and the name of the addressee that this letter could not have come to my knowledge. Nor have I knowledge of its contents either. Presumably this is the result about which the person is reporting in June 1943, of events which occurred before I came into office, at any rate this must refer to events which took place previously and which needed a certain amount of time.

DR. KAUFFMANN: Now, I am coming to the next document, Number D473, Exhibit Number USA-522. It is a letter from the Chief of the Security Police and the SD, dated 4 December 1944. From this also the Prosecution conclude the Defendant Kaltenbrunner's great responsibility. It deals with the combating of criminality among the Polish and Soviet Russian civilian workers. As means for their punishment, the letter states, the Criminal Police have at their disposal police detention and transfer to a concentration camp of all asocial or dangerous prisoners. The document has the signature, "Dr. Kaltenbrunner." What are your views on that?

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KALTENBRUNNER: I have no recollection that I have ever signed any such decree.

DR. KAUFFMANN: Do you deny having signed this letter at all? Or, to be more accurate, do you know anything about the matter?

KALTENBRUNNER: No.

DR. KAUFFMANN: I now submit Document 1276-PS, Exhibit Number USA-525. The Prosecution have referred to this document. It is a consequence of Hitler's order dated 18 October 1942. According to this, parachutists and sabotage troops are to be exterminated, and Commandos to be surrendered to the SD. In a letter with the signature "Muller," dated 17 June 1944, addressed to the High Command, it says that such parachutists in British uniform were to be treated in accordance with Hitler's order. I am now asking you if you knew of this document signed by Muller, dated 17 June 1944, and if you had any knowledge at all of the matter contained in this document?

KALTENBRUNNER: I had no knowledge of the matter or of this document. But I should like to say the following in this connection: Later I received knowledge of this Hitler order and of his basic attitude to this question. I think it was at the Fuehrer's headquarters in February 1945; and I have there, before witnesses, publicly stated that I was not only personally opposed to such treatment of soldiers and prisoners, but also that I would refuse to carry out any such order from Hitler. I think another defendant here is calling a witness by the name of Koller, and I request that you ask this witness, who was at that time the Chief of Staff of the Air Force, how I expressed it-I believe it was in Hitler's presence- what my attitude was regarding that question, which came to my knowledge for the first time in 1945. I can

do no more than I did before this most powerful and almighty man Germany ever had, who declared, "He who does not obey my orders, no matter who the commander, will be shot." I can do no more than what I did say in his presence to the Chief of Staff of the Air Force and other officers: "I will not obey such an order."

DR. KAUFFMANN: I now come to Document 2990-PS, Exhibit Number USA-526. This is an affidavit from the witness Schellenberg. According to it, in 1944 a meeting took place between Kaltenbrunner and Muller. Kaltenbrunner is supposed to have stated that actions of the populations against terrorist fliers must not be interfered with; that, on the contrary, the hostile attitude of the population must be encouraged. I shall quote a few sentences from the examination of the witness Schellenberg on 3 January 1946, where he says:

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"In 1944 on some other occasion during a conference I heard fragments of a conversation between Kaltenbrunner and Muller. The following remark by Kaltenbrunner remains clearly in my recollection: 'All departments of the Security Police and the Sipo must be informed that actions on the part of the population against British and American terror-fliers must not be interfered with; on the contrary, the hostile attitude of the population must be encouraged.'"

Do you know Schellenberg?

KALTENBRUNNER: Regarding Schellenberg I must say...

DR. KAUFFMANN: In a few sentences please.

KALTENBRUNNER: ... with reference to his credibility in the matter of this document, that he was a protege of Heydrich's and when I took office he was in charge of...

THE PRESIDENT: He wants to know whether you know Schellenberg. That is a question you can answer.

The question was, "Do you know Schellenberg?" And he goes off into a long speech without answering the question.

DR. KAUFFMANN: Did you know Schellenberg? "Yes" or "no"?

KALTENBRUNNER: Yes, of course. He was the Chief of Department VI.

DR. KAUFFMANN: My question: What were the relations between you and the Chief of Department VI? Do you regard this statement as true or not?

KALTENBRUNNER: That statement is not true, and I should like to give you the reason so that the Tribunal can evaluate that statement. Schellenberg was Himmler's most intimate friend. By Himmler's order, he remained with him to the last day. He is the man who, on Himmler's behalf, established contact with the Swedish Count Bernadotte. He was the man who, at the very last minute, through M. Muehse in Switzerland, established a connection which was used to permit a very few Jewish prisoners

to go to Switzerland, the purpose of which was to create quickly a favorable impression for Himmler and Schellenberg abroad. He is the man who, together with another friend of Himmler's, started an action to make an agreement with an organization of rabbis in the United States whereby they were to get him a favorable press in some of the larger newspapers in America. I have criticized Himmler for these tricks and complained and discredited them with Hitler, stating that it was demeaning to the cause and the Reich that in so important a matter these methods should be used by Himmler and Schellenberg. I said the only correct way would be to establish contact with the International Red Cross immediately. Consequently, I prejudiced Himmler before President Burckhardt, and forced him

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to adopt a different attitude in this question by asking Burckhardt personally to visit these camps.

DR. KAUFFMANN: But I put a completely different question.

KALTENBRUNNER: Yes, but I had to say this so that you can see how disappointed Schellenberg and Himmler were about what I was doing and why he, now, is interested in accusing me, as has been done in the affidavit, of breaking my word on international matters.

DR. KAUFFMANN: In other words, you want to say that Schellenberg was in opposition to you and against you, and is implicating you unjustly.

KALTENBRUNNER: Yes.

DR. KAUFFMANN: Now then, in this Schellenberg document the event with reference to these 50 fliers is mentioned; and Schellenberg states that you, together with Muller and Nebe, had a conference and that all of you were trying to find an excuse in order to keep the actual truth of these events from the public. I am asking you: When did you first hear of the shooting of these 50 fliers?

KALTENBRUNNER: That is the Case Sagan.

DR. KAUFFMANN: When did you hear of it? It is a simple question, please.

KALTENBRUNNER: The first time that case became known to me was about six weeks after it happened.

DR. KAUFFMANN: My next question: Do you want to say that you were not involved in the shooting in any way, that to the contrary you were only much later able to investigate the matter?

KALTENBRUNNER: Yes, that is what I want to say.

DR. KAUFFMANN: Do you also mean to say that the conference with Schellenberg dealt exclusively with the later attempt to conceal the truth of the matter?

KALTENBRUNNER: It can only have referred to that.

DR. KAUFFMANN: I am coming to Document 835-PS, Exhibit Number USA-527. This document also is held against the defendant by the Prosecution. It is the so-called Nacht und Nebel Decree, which is an order from Hitler dated 7 December 1941. Is the expression "Nacht und Nebel Decree" familiar to you? When did you

hear of it for the first time?

KALTENBRUNNER: The first time I heard of it was in June 1945 in London.

[A document was handed to the defendant.]

DR. KAUFFMANN: This document which I have submitted to you is a letter from the OKW, dated 2 September 1944, addressed to

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the German Armistice Commission. It is signed by Dr. Lehmann, and in it is stated:

"According to the decrees all non-German civilians in occupied territories who have endangered the security and preparedness of the occupying forces by means of terror or sabotage or in any other way are to be handed over to the Security Police and the SD."

In the case of so important a matter, it appears improbable that the matter and the Nacht und Rebel Decree were not known to you. ~

KALTENBRUNNER: I had no knowledge and I beg to be given permission to clarify the situation. May I first of all say that no document shows better proof than this of the fact that an executive function is wrongfully attributed to the SD. It says here on Line 4:

". . . who have endangered . . . in any other way are to be handed over to the Security Police and the SD."

First of all, it is complete nonsense to state that one and the same thing should be handed over to two different authorities; either it is the Security Police or the SD.

This error in the use of the German language found its way into the Fuehrer decree because Heydrich, as Chief of the Security Police and SD, was referred to in short as Chief of SD, but it is an absolute mistake. Whereby, God knows, I am not trying to exonerate the SD from other things which it may, perhaps, have committed, but I want to make it clear that it is wrong to conclude from this that it had executive powers.

DR. KAUFFMANN: Yes, but it is not only the question of the SD, but also of the Security Police.

KALTENBRUNNER: Yes, and to that I want to say the following: This Fuehrer decree from the year 1941 was not known to me. I am asking you to put yourself in my position. At the beginning of 1943 I came to Berlin. With the exception of a few official visits I commenced my activity in May 1943. In the fourth year of the war the decrees and orders within the Reich and also in the executive sector reached

the thousands and were accumulating on the desks and the cabinets of the civil servants. It was absolutely impossible for any man even to read them all within a year, and it, was quite impossible for me to know of the existence of all these orders even had I considered it my duty to do so. But it was not my duty at all.

Then I am asking you to consider the following fact: The beginning of my activity was February 1943. On 2 February Stalingrad was surrendered and the largest military catastrophe...

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THE PRESIDENT: This is a long speech in answer to a question as to whether he had seen this letter. He says he did not see the letter. Then he makes this long speech.

DR. KAUFFMANN: I am now putting this question to you: When did you realize what significance this Nacht und Nebel Decree had and what it meant regarding the treatment of persons it affected? Please give a precise answer.

KALTENBRUNNER: Dr. Kauffmann, the existence of the decree was unknown to me. Had I known that this matter would be held against me here, then I would have been able to nominate a witness in captivity in London who can prove that even in London I had no idea that it existed. We have talked about that in the cell.

DR. KAUFFMANN: The end result, therefore, is that you did not know?

KALTENBRUNNER: Yes, absolutely ignorant regarding that decree.

DR. KAUFFMANN: I now come to the Document 526-PS, Exhibit Number USA-502, which has been used by the Prosecution.

[The document was handed to the defendant.]

This refers to the landing of an enemy cutter in Norway on 30 March 1943. That report contains a sentence: "Fuehrer order carried out by SD." The signature on that document is lacking. It is dated 10 May 1943. It is a secret command matter and the heading is "Note."

Please, will you make a statement regarding that sentence, "Fuehrer order carried out by SD."

KALTENBRUNNER: The execution of such a Fuehrer order is unknown to me. I want to point out that this note is obviously one made by a military department regarding an event which took place shortly after I had come into office but at a time before I had come to Berlin. I could not have had knowledge of it at all.

DR. KAUFFMANN: It says at the end of the document, "Armed Forces report dated 6 April 1943." It states further as follows: "In northern Norway an enemy ship carrying sabotage troops was forced to fight when approaching the coast and was destroyed."

Do you know anything about the connection of this Armed Forces report-as far as you knew of it at all-with the actual decree?

KALTENBRUNNER: No. Of course, I read, daily, practically every incoming Armed Forces report. But from its composition I am unable to determine any participation of any military agency within my sphere.

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DR. KAUFFMANN: I now turn to the next document which has been held against the defendant by the Prosecution, Document L37, Exhibit Number USA-506. This is the so-called "responsibility of relatives," that is to say, it refers to crimes committed against relatives of the guilty persons. This document refers to a letter from the commander of the Security Police to the SD at Radom, dated 19 July 1944, according to which male relatives of saboteurs are to be shot and female relatives to be sent to concentration camps.

What is your explanation to the Tribunal with reference to that document and the whole matter?

KALTENBRUNNER: The report commences with the words: "The Higher SS and Police Leader East has..." and so on and so forth, and then, "ordered" or "issued the following order."

The Higher Police Leader East is a department, which, as a department in an occupied territory, is directly under the jurisdiction of the Reichsfuehrer SS and not under any central department in Berlin. Therefore I could not have had knowledge of that order. The police leaders in occupied territories were immediately subordinate to Himmler.

DR. KAUFFMANN: I now come to the next accusation of the Prosecution regarding the concentration camp at Dachau. A document exists which has the number Document 3462-PS, Exhibit Number USA-528. It is a statement by the Gaustabsamisleiter Gerdes.

The Prosecution are accusing the defendant of contemplating the wiping out of the concentration camp at Dachau and its adjoining camps at Muhlendorf and Landsberg by bombs or poison. I shall read a few sentences from that document. They are on Page 2 of the German text, near the end of the page:

"In December 1944 or January 1945 I was in the office of Gauleiter Giesler in Munich, Ludwig Street 28, and had the opportunity of learning about a secret order from Kaltenbrunner. Gauleiter Giesler received that order in my presence through a courier and, after I had been given permission to read it, it was destroyed in accordance with the remark on the document; 'To be destroyed after cognizance has been taken.' The order which was signed by Kaltenbrunner was worded roughly as follows:

"In agreement with the Reichsfuehrer SS I have instructed all higher police departments that every German who participates in the future in the persecution and destruction of enemy fliers will remain unpunished."

"Giesler told me that Kaltenbrunner was in constant contact with him since he was considerably worried over the attitude

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of foreign workers and particularly the inmates of the concentration camps at Dachau, Muhldorf, and Landsberg, which were in the path of the approaching Allied armies.

"On a Tuesday in the middle of April 1945 I had a telephone call from the Gauleiter ordering me to keep myself available for a night conference. In the course of our conversation that evening Gauleiter Giesler disclosed the fact to me that Obergruppenfuehrer Kaltenbrunner had given him instructions, in accordance with an order from the Fuehrer, that there should be made an immediate plan regarding the liquidation of the concentration camp at Dachau and the two Jewish work camps at Muhldorf and Landsberg. The instructions stated that these two Jewish work camps at Landsberg and Muhldorf were to be destroyed by the German Air Force, since the sites of those two camps had lately and repeatedly been affected by hostile bombing attacks. The action was given the camouflage name 'Cloud A1.'"

KALTENBRUNNER: May I say something to that?

DR. KAUFFMANN: First, please, do you know Gerdes?

KALTENBRUNNER: I do not know Gerdes and I have never seen him.

DR. KAUFFMANN: Do you know Giesler?

KALTENBRUNNER: The last time I saw Giesler was in 1942, in September.

DR. KAUFFMANN: Was an order of Hitler in existence regarding the destruction of concentration camps?

KALTENBRUNNER: No.

DR. KAUFFMANN: Will you give a reasonable explanation regarding this document?

KALTENBRUNNER: To give a reasonable explanation for that document is almost humanly impossible, because from the beginning to the end it is an invention and a fake. I brand this document a complete and utter lie coming from Gerdes, and I can only refer you to the deposition supporting my statement by the Higher SS and Police Leader who was the sole competent authority in Bavaria, Freiherr Von Eberstein, who himself calls Gerdes' statement completely incredible. I would like to refute these accusations in detail as follows: He says:

"On a Tuesday in the middle of April 1945 I had a telephone call from the Gauleiter ordering me to keep myself available for a night conference."-He-"... disclosed . . . that Kaltenbrunner had given him instructions, in accordance with an order from the Fuehrer..."-and so on.

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Nobody in the Reich knew better than Hitler who was responsible for concentration camps and how he had to give an order. He would never have given me such an order and he could not have given it to me because I was, on Hitler's personal order, in Austria from 28 March until 15 April. As to the time from 10 April until 8 May, when I was captured, including the few days when I was in Berlin I can state exactly just where I have been and what I have done, so that the question of giving an order in this connection is impossible. And, anyway, it must have happened earlier, if the witness is talking about the middle of April, which would mean that I would have had to talk to Hitler about this before the middle of April, since otherwise he could not have been asked to be available for a night conference by the middle of April.

The existence of Jewish work camps in Bavaria as branches of Dachau, was completely unknown to me. And I am asking you to recognize the absurdity of my sponsoring in April of 1945 such an order, when I tried in March 1945 to start discussions with the President of the International Red Cross, Burckhardt, regarding the release and help to be given to all Jews, and when I made all efforts to have him personally look after the Jewish camps- in which I succeeded.

DR. KAUFFMANN: Did you have any possibility at all to exert influence on the German Air Force in this respect?

KALTENBRUNNER: I neither had the possibility of giving the Air Force orders-I could only have asked the Chief of the Air Force to give them and there, of course, it would have been turned down, because you must realize that at this point, when everyone knew that the war had come to an end, the Air Force would not have lent its hand to a terrible crime.

DR. KAUFFMANN: And now, with the permission of the Tribunal, and because it is a terrible accusation, I am quoting a few sentences from this document, because the Prosecution, too, have read these sentences into the record. The document goes on to say:

"I was aware that I would never carry this order out."-this is Gerdes talking-"Since the action 'Cloud A1' was supposed to have been carried out already, couriers from Kaltenbrunner kept arriving, and I was supposed to have discussed the details of the Muhldorf and Landsberg action with the two district leaders concerned. The couriers, who in most cases were SS officers, mostly SS Untersturmfuehrer, made me read and initial brief and sharp orders. I was threatened with severe punishment including execution in case of disobedience. I could always excuse the failure to carry out

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the plan with bad weather for flying or with lack of petrol or lack of bombs.

"Therefore, Kaltenbrunner ordered that the Jews should be marched from Landsberg to Dachau, so that they should be included in the poisoning action which was going on in Dachau, whereas the action at Muhldorf was to be carried out by the Gestapo. For the Dachau Concentration Camp Kaltenbrunner ordered the action 'Cloud Fire,' which stipulated that the inmates of the concentration camps at

Dachau, with the exception of the Aryan members of the Western Powers, were to be liquidated with poison.

"Gauleiter Giesler received that order directly from Kaltenbrunner and in my presence he discussed with the health officer of the Gau, Dr. Harrfield, the procurement of the necessary amount of poison. Dr. Harrfield promised that the necessary quantity, in accordance with the order, would be obtained, and he received instructions to wait my further orders. Since I wished to prevent this action from being carried out in any event, I gave no further instructions to Dr. Harrfield. The inmates of the camp at Landsberg had hardly arrived at Dachau when a courier from Kaltenbrunner brought the order for the action 'Cloud Fire' to be carried out. I prevented the execution of the two actions, 'Cloud A1' and 'Cloud Fire' by telling Giesler that the front line was too near and to convey that reason to Kaltenbrunner.

"Kaltenbrunner gave written instructions to Dachau that all internees who were members of the Western European Powers were to be loaded on lorries and transported to Switzerland, whereas the remaining inmates were to be marched afoot into the Oetzal territory (Tyrol), where the final liquidation of the internees was to be carried out, in one way or the other." Perhaps you can explain in a few words, without going into detail, whether or not this document contains the truth.

KALTENBRUNNER: This document is completely untrue.

DR. KAUFFMANN: It is completely untrue?

KALTENBRUNNER: But, Doctor, I must have an opportunity to define my views. I must be given an opportunity to clarify the details.

DR. KAUFFMANN: You have already defined your attitude. If you have to say anything important in addition to that, you can state it now.

KALTENBRUNNER: The following appears to be important to me: According to his statement, I must have had dozens of couriers during my stay in Austria. Two persons were in my company, my

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driver and my administrative adjutant, his name was Scheitler, a man who had nothing to do with intelligence and police. There were three of us. I had not even the possibility of dispatching so many couriers.

Secondly, as far as Bavaria was concerned, there was no need for me to carry out any preparations, not even under pressure from Himmler. Why? Because, as far as Bavaria is concerned, plenipotentiary powers were given to Obergruppenfuehrer Berger, the same day I was given plenipotentiary powers for Austria. So that there was no reason for me to take such action.

Thirdly, I could not even have carried such insane orders regarding a concentration camp in my heart when, at the same time, I was ordering exactly the opposite. I am thinking of Mauthausen. I had given

an order to Mauthausen that the camp was to be completely handed over to the enemy. If you can put yourself in Himmler's place, then this would have been completely wrong, since the real criminals were in Mauthausen, whereas the people in Dachau had nothing or little against them. So that even if you thought as Himmler—that the exact opposite would have been necessary—from that point of view, too, it is completely insane to accuse me of any such action.

DR. KAUFFMANN: Finally, the Prosecution hold you responsible for the fact that you, as Chief of the Security Police and the SD, tolerated the persecution of the church, particularly the Catholic Church, by the Gestapo. I recall to you in this connection that the Department B2 of Amt III was concerned with education and confessional questions, and Department 1 of Amt IV with political Catholicism. Do you know anything regarding the fact that within that department there was a twofold policy regarding the churches with a so-called "immediate goal" and a "distant goal"? By "immediate goal" they meant that the churches would not be allowed to regain a single inch of ground; "distant goal" signified the final destruction of the churches in Germany at the end of the war. What do you know about these aims?

KALTENBRUNNER: All I can say to these theoretical statements is that they were completely unknown to me. The church policy of the Reich, as I had to recognize in 1943, was different. In 1943, to maintain Hitler's policy meant to achieve a covert truce with the churches, at least for the duration of the war; that is, to refrain as much as possible from attacks and to proceed only against individual misdemeanors by the clergy, if express authorization had been forthcoming.

DR. KAUFFMANN: May I interrupt you? I am asking you: Did you in the spring of 1943...

KALTENBRUNNER: Yes, I want to come to that.

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DR. KAUFFMANN: . . . did you undertake anything with Hitler, and what was the result?

KALTENBRUNNER: Well, I just wanted again to give you a picture of the state of affairs which I found. In spite of Hitler's policy, I found that Bormann was actively continuing the fight against the churches. Therefore as early as March, I think, I wrote to Hitler, and later requested verbally a full clarification of the church policy. I asked him to alter it with a view to effecting a rapprochement. Above all I wanted to bring about a different policy toward the Vatican.

DR. KAUFFMANN: I do not think there is any need for you to go into too much detail.

KALTENBRUNNER: But I was blocked. First of all, Himmler opposed the idea to Hitler, and, secondly, I had the very strong resistance of Bormann against me. He even went so far as to undermine completely the reputation of the German representative to the Vatican, Weizsacker, by sending a man to shadow him.

DR. KAUFFMANN: That is enough about that.

Mr. President, do you want me to go on, because it is now 5?

THE PRESIDENT: If you can finish in a short time, we would like you to go on. How long are you going to be?

DR. KAUFFMANN: I would say it would take me about another hour, since I must discuss those documents which have been submitted by the Prosecution.

THE PRESIDENT: Before we adjourn, I will say the Tribunal will sit on Saturday in open session until 1 o'clock.

[The Tribunal adjourned until 12 April 1946 at 1000 hours.]